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THE HISTORY  
OF THE  
UNITED STATES OF NORTH AMERICA;

FROM THE  
DISCOVERY OF THE WESTERN WORLD TO THE PRESENT DAY.

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"FORTY DAYS IN THE DESERT," "THE NILE BOAT," "GLEANINGS ON THE OVER-  
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CONTINUED BY

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## BOOK IX.

FOREIGN AFFAIRS DURING THE ADMINISTRATION OF MADISON; AND THE  
SECOND WAR WITH GREAT BRITAIN.

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# HISTORY OF AMERICA.

## CHAPTER I.

BEFORE THE WAR.—NON-IMPORTATION ACT.—THE FRENCH “DECREES.”—AFFAIR OF THE LITTLE BELT AND THE PRESIDENT.—PREPARATIONS FOR WAR.—WAR DECLARED.—LUDDITE DISTURBANCES IN ENGLAND.—REPEAL OF “ORDERS IN COUNCIL.”

IRRESPECTIVE of all the *casus belli*, which, (as it evermore happens,) when the quarrel was determined upon, were sure to be found only too abundantly,—there was, as we have seen, a real and deep necessity for this trial of strength with Great Britain. And when we have reached the conclusion of this Book, we shall be in a position to see precisely why a war, apparently so indecisive, should suffice for the conclusion of a peace which has now lasted for forty years, and bids fair to last as many more. But in entering upon this narrative, we must observe, that this “Second War,” (as it has been called,) in relation to World History bears by no means so prominent a place as we might suppose, from seeing the account that is made of it in the United States. And the reason manifestly is, that the principles, to maintain which, ostensibly, America flung down her gage, were not the real grounds of the conflict. They bore no nearer relation to the actual combat, than the question “whose lady’s eyes were the brightest,” which was—so say the chronicles of chivalry—the avowed reason for mortal encounter between every two doughty and errant knights, who chanced to meet, after having sallied forth for the very purpose of achieving some notable adventure in arms.

Of the part in this war which Jefferson took, we have spoken in the chapter upon the Foreign Affairs of his Administration; and we think that few can trace carefully the line of policy which he adopted, without ascribing it mainly to him; although the party opposed to it gave it the title of “Madison’s war.” How adroitly the great Democratic chieftain contrived, without implicating himself in the responsibility of conducting them, to make hostilities unavoidable, has been fully shown. And in addition to that remarkable element of timidity, which entered into his character, we can see that the enhanced publicity which must have been his lot, had he been at the head of affairs during the war, must have operated with him as a motive for

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Erskine was still the resident British minister at Washington; and negotiations were carried on with great activity with a view (apparently) to the arrangement of the difficulties which had arisen between the two governments. Erskine was not a very able diplomatist, but no doubt can be entertained of his desire to effect an accommodation. And he had received such assurances from Smith, Gallatin, and Madison himself, before his inauguration as President, that he fully expected to be successful. In private (if diplomacy admits that word) conversations, Gallatin had even contrasted the dispositions of the retiring President and his successor; showing, that whilst the one had a leaning in favour of France, the other was most inclined to the alliance of Great Britain. And the ambassador had, along with Gallatin, concerted some general scheme, by which he persuaded himself all the trouble and suspicion pressing now so heavily on both countries would be removed.

The course of such negotiations, when both parties are not equally in earnest in their purpose to reach a satisfactory result, is not of sufficiently wide and lasting interest to make it needful to relate it in full, in a history like ours. It is enough to point out what will make the outbreak of hostilities, and any particular display of inimical feeling, clearly intelligible; and to show in a general way, how it was that, after all, nothing was accomplished in the way of composing the dispute.

Here, therefore, we will only say, that it caused Madison some vexation, not to receive so soon as he expected the reply of the British government to the minister's proposal. For, as matters stood when he entered upon the responsibilities of office, there was not a plausible cause for declaring war against Great Britain alone, and American commerce was suffering without any corresponding benefit or advantage; nor could the new President, or his advisers, resolve to accept the other alternative, to which the United States' government stood pledged—to declare war against both France and Britain, if both did not withdraw their commercial “Decrees” and “Orders.”

In the middle of April, however, Erskine was enabled to lay before the United States' Secretary the offers which the British government thought it fit to make, and which they said were framed to meet Erskine's belief in the favourable intentions of the new Administration, rather than their own conviction respecting them. Considerable latitude was given to Erskine, and more than one course was pointed out to the United States, as satisfactory to the British government. But certain conditions were imperatively required, which it was supposed were due to the honour of Britain, without infringing upon that justly claimed by America.

Generally, the proposals were, ships of war of both belligerents to be equally excluded from the American waters;—disavowal of the orders issued by Admiral Berkeley; (but no other mark of displeasure than the recall to be asked;)

—the restoration of the men taken from the Chesapeake, and also, a proper provision for the families left by the men killed on board her, by the attack of the *Leopard*;—disavowal by the American government of the purpose to infringe the British rights, national or personal, throughout the whole of that affair;—deserters, who were British-born, to be surrendered when claimed;—the recall of the “Orders in Council,” if the retaliatory acts of the United States government were rescinded in favour of Great Britain, but not in favour of France; if the colonial trade which was prohibited in time of peace, were not attempted in war-time; and if Britain might enforce these conditions, if violated, in the usual way.

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New negotiations thereupon arose, and the President and his Secretary exerted themselves to procure from the British resident the most liberal construction possible of the proposed terms,—to the extent, in fact, of going against, as well as beyond, his instructions; whilst they committed themselves, as it seemed, to conditions, which Congress had (as they well knew) the power to reject.

The issue of these interviews and correspondence appeared in the form of the adoption of a suggestion made by the British government, to the effect, that, “a Proclamation for the renewal of the intercourse with Great Britain” should be issued by the President,—his Majesty being “willing to withdraw his Orders in Council;”—and also purposing to send to the United States “an envoy extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries.” On the 19th of April, accordingly, the Proclamation appeared, announcing the intended withdrawal of the offensive “Orders,” on the 10th of the following June, and the renewal of the trade with Great Britain, on the same day.

“The news of this arrangement,” we read in Dwight’s work on the “Hartford Convention,”—“was received throughout the Union with the highest degree of gratification; and the general exultation furnished decisive evidence of the strong desire of all descriptions of persons, and a great proportion of the politicians, to be at peace with Great Britain.” Congress was assembled at the end of May, and in his opening Message Madison said,—

“While I take pleasure in doing justice to the councils of his Britannic Majesty, which no longer adhering to the policy which made an abandonment by France of her Decrees a prerequisite to a revocation of the British Orders, have substituted the amicable course which has issued thus happily; I cannot do less than refer to the proposal heretofore made on the part of the United States, embracing a restoration of the suspended commerce, as a proof of the spirit of accommodation, which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided, during a period of the most trying embarrassments.

“The discontinuance of the British Orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded in one of our public vessels, to our minister plenipotentiary at



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Paris; with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French government a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

“The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress.”

But whilst the whole of the commercial part of the Union was exulting in the happy prospect of a renewal of their golden activity; and the Federalists (always, as we know, well disposed towards Great Britain, in all things except her tyranny and selfishness in respect of her colonies;) rejoiced that there was to be no repetition of the fratricidal, or even parricidal strife;—and the American vessels gladly seized the opportunity to retrace the “Sacred Way” across the Atlantic, and poured into the British harbours in numbers so great, that for a season the intercourse of the two countries was more brisk than ever before; the British government found that their minister at Washington, overreached by the superior statesmanship of the heads of the American government, had so far contravened his instructions, that it was impossible, in consistency with their general plans, to ratify the agreement which had been proclaimed by Madison to the people of the United States as finally settled and fixed.

Unfortunately for them, for America, and for the world itself, at this particular juncture of affairs, there were no men at the helm in the Old Country, of sufficiently noble and comprehensive intellect to perceive, and use for the good of all interested in the movements of the greatest maritime powers on the globe, the advantages presented by the shape that Madison and his advisers had cast the arrangement they had concocted with Erskine into. Engaged as they were in the very thick of the struggle, with the most colossal genius, both for strategy, diplomacy, and legislation, of the times; and perceiving that they had need to leave nothing in any of their negotiations with any state, that might serve as a fulcrum for those mighty levers by which he forced the whole world political out of its wonted course; they discerned perils immeasurable in the shape of this otherwise beneficial arrangement, and disowned the work of their well-intentioned and hopeful ambassador.

Nor was this the only impediment to the happy conclusion of the troublesome negotiations which seemed to be drawing nigh. The “Orders in Council” had been again modified; and some novel provisions added, some increasing the number of exceptions to the paper blockade, others extending that blockade to both Dutch and French colonies, so as to keep the products of those countries out of every market, unless upon the condition—not at all unlikely to be realized—of submitting to the sway of the Mistress of the seas.

Congress, meanwhile, was discussing, not without storms in the course of the debates, the measures by which the behests of the Executive and the renewed relations between America and its mother country should be secured.

But whilst the trade with Great Britain was rendered lawful once more, in distinct contradiction to the Proclamation, as well as to the terms of the arrangement made with Erskine, the admission of French war-ships was conceded. This requires to be noticed carefully, because it affords us an equitable measure for estimating the reality and fairness of those continual complaints on the part of the Democratic statesmen and historians of the times we are speaking of, and ever since, of the violation of treaties by Great Britain. It is at the least the old story of *Punica fides*, and however suitable to the caucus and the hustings, is unbecoming the gravity, and destructive to the credibility, of history.

With revolted Hayti commercial intercourse had been carried on from the first in an underhand manner, and it was now, once more, proposed in Congress to legalize this profitable trade. We can perceive the objections which this proposal awakened amongst the Southern Democrats. They did not wish the advantageous traffic, contraband at the time, to cease; but they feared to irritate France, who felt profound *chagrin* at the loss of the rich sugar island; and they could not bring themselves to acknowledge a country peopled by revolted slaves, for that would be offering a premium to their own slaves to revolt. The solution they discovered was characteristic,—they rejected the proposition; so the illicit trade went on, and the negro state was unrecognised, and France was not offended, whilst this snug source of profit was not stopped.

Soon after Congress had broken up, its extraordinary session ended, came the tidings of the refusal of Great Britain to ratify Erskine's agreement; and all the dreams that had been indulged by the best classes of citizens, and most moderate and enlightened politicians, departed. "Free trade, and sailors' rights," says one historian of Madison's Administration, was the watchword, "repeated from one extremity of the Union to the other; impressment, and the violation of the neutral flag, [precisely the two matters which the unratified agreement left *in statu quo*,] were the topics of discussion at every public gathering; and while old men gave utterance to their opinions in indignant language, the young stood by in silence, but with clenched hands and flashing eyes, and cheeks glowing with the fire of manly patriotism." All of which would have been spared, had the impressment question, and that other about the flag, been given up tacitly, by means of a treaty about other things! These facts are, for statesmen, full of the most invaluable instruction.

The Democratic party had not shared the exuberant joy of their rivals and the commercial part of the Union, which Madison's Proclamation, already spoken of, had called forth. It was now their turn to exult. And if there was any abatement to the fulness of their triumph, it was that Madison still seemed disinclined to resort to the last and irreversible measure,—a declaration of war. For to these hot, unschooled partisans, nothing seemed so easy or befitting, as the backwoodsman's "rough and ready" method of disposing of difficulties. Strongly marked by all the failings, as well as by the conspicuous

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excellencies of uncultivated human nature, it was the unhappiness of America at the moment, that the impetus of their "support" carried before it all that wiser and cooler heads devised, as worthy of their country and its councils in the existing straits. And, as we shall discover in the after-part of our narrative of the fortunes of the United States, it requires all the *vis inertiae* and conservatism of those who are versed in the lessons of experience, and can "look before and after," to prevent the nation from being hurried away, and changed from a peaceful and constructive benefactor of mankind, into a destructive and consuming scourge of the earth, whose history could only be written in words of execration and woe.

Federalism felt the blow which this abrupt change in the aspect of affairs dealt to their policy as well as their hopes. All that they had asserted about the designs and the temper of Britain seemed to be disproved by this reverse; all that they had repudiated as unworthy of themselves as a generous and enlightened people, appeared to be affirmed. And only one fact could they find to console them in their intense disappointment,—the certainty (how vigorously soever their opponents denied it,) that Madison and his ministers were acquainted with the very terms of Erskine's instructions, and had persuaded him to act in violation of them, knowing that the agreement made in such a way could not be ratified by Great Britain. And thus they reasoned, not all unwisely.

"Mr. Madison had just entered upon the office of President of the United States. Mr. Jefferson had left the government surrounded with difficulties and embarrassments. The foreign commerce of the country, under the system of embargo and non-intercourse, was destroyed, and all the various branches of domestic industry—agricultural, mercantile, and mechanical—were in a state of deep depression or stagnation; and the community were becoming very uneasy under privations, which were not only unnecessary, but extremely injurious and oppressive.

"Under such circumstances, it was a stroke of good policy in him, at his entrance upon the duties of chief magistrate, to excite popular feeling in favour of his Administration, and nothing would be more likely to produce such an effect, than the adoption of measures which would relieve the nation from the multiplied evils of the restrictive policy. And it required no extraordinary degree of foresight to discern, that if such an arrangement as was contemplated with Mr. Erskine should be accomplished, it would be cordially welcomed throughout the country, and render the new chief magistrate universally popular. At the same time, if the arrangement should be rejected by the British government, whatever the cause for refusing to ratify it might be, it could hardly fail to raise a spirit of resentment in the United States, of a proportionate extent with the gratification which the adjustment had excited."

In either case the Administration was safe,—but *the country*? We have seen in the details furnished us by various statistical tables, the full account, in one direction, of the unfavourable alternative; in the present Book we

shall see what blood, in addition to all that treasure, was wasted on no better account than this. The old stories of the profligate motives for getting up wars, in the times of the *Grand Monarque*, have not, it is certain, exhausted all the list; nor is it upon kings alone that the responsibility of wars thus undertaken rests!

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Undoubtedly, the case of "the Essex Junto" against the Administration, respecting this arrangement, was a strong one. The instructions sent to Erskine were shown to the American minister at London, *in extenso*, "and it is hardly to be supposed that he could have failed to communicate their contents to the government at Washington." And on the other hand, if Madison and his Secretary were actually ignorant on this point, no good excuse can be presented for them;—they "ought to have known the extent of the minister's powers before they entered upon the negotiation."

Madison hastened to make known the issue of the negotiations, and in a second Proclamation, dated the 9th of August, recalled the permission given to asphyxiated commerce to breathe again, and again prohibited all import trade with either France or Great Britain, both in American vessels and in ships of those countries. The Non-importation Act was, in fact, restored to full operation.

The unsuccessful British negotiator was of course recalled, and in the beginning of October, Francis James Jackson had reached Washington to take his place. He was a diplomatist of some standing; and as he had served in one of the most confidential and momentous missions which had occurred in late years, that which had for its upshot the seizure of the whole fleet of Denmark by Great Britain, it may be believed that he did not come with the most favourable *prestige* for the United States; neither could he regard the statesmen of America with as much respect as they were accustomed, and (according to the usages of national intercourse) entitled to demand.

He first obtained several personal interviews with the American Secretary, but afterwards was informed by letter, that all "further discussions" were to be in "the written form." We shall not follow up the weary and profitless correspondence which ensued, nor offer our readers even a solitary specimen of the futile word-fencing, by which the Administration endeavoured to entrap the wary ambassador into some admission, out of which a new embroilment might be drawn. The British minister avowed, that the cause of the refusal to ratify the agreement, was Erskine's departure from his instructions; and that the offensive turn given to the negotiations regarding the Chesapeake, by the introduction of a reproof of the government of Great Britain for not degrading Admiral Berkeley, occasioned the rejection of that part of the business. But what was most galling, was the coolness with which the practised diplomatist told the American negotiators, that he was there not to reproduce any of Erskine's proposals; nor, indeed, to propose any thing at all; but to receive proposals from the Administration, if it had any to offer; and afterwards, if the discussion of them proved satisfactory, to conclude a convention in the name of his sovereign. And when a species of offer was, at



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I. to consult his government about it.

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For some two months this correspondence proceeded, but never approached a resolution of the difficulty,—the United States having, it would seem, taken up untenable ground, which, nevertheless, it would not relinquish; and Great Britain, feeling that much was due to its honour and dignity, which, from the United States, it never could hope to extort. When Congress met for its usual session, on November the 29th, Madison, after expounding the failure of the Erskine negotiation, upon principles which would have condemned Jefferson for refusing to ratify Monroe's treaty, and vindicated Washington for ratifying that negotiated by Jay; was further obliged to relate the new disappointment he had experienced in consequence of the course pursued by the successor to Erskine.

"The correspondence between the Department of State and this minister," said he, "will show, how unessentially the features presented in its commencement have been varied in its progress. It will show also, that, forgetting the respect due to all governments, he did not refrain from imputation on this, [Madison has omitted to state that his Secretary had really commenced this part of the correspondence,] which required that no further communications should be received from him. And it would indicate a want of confidence, due to a government which so well understands and exacts what it becomes foreign ministers to show it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here."

So did the President decently veil the real feelings of the hour. But this was not the only trouble in which the foreign relations of the Union were involved at this time.

"With France, the other belligerent," continued the President, "whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures, taken on the part of the United States, to effect a favourable change."

And again;—"By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the legislature, how far both the safety and the honour of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favoured the real or pretended suspicions, under which the honest commerce of their fellow-citizens has suffered."

It is, indeed, extremely difficult to explain upon any consistent and conceivable principle, the great difference with which the aggressions of Great Britain upon American commerce, (where the outrages, properly so called, were uniformly chargeable upon individuals,) and those of France, (where

the government itself played the pirate,) were treated by the President. Of all the depredations committed at sea on the persons and property of American citizens, those of which Englishmen were guilty were the only instances wherein apology, or explanation, or redress, was so much as offered. The correspondence with the French government upon the subject of the privateering committed by ships bearing their letters of marque, was in the highest degree unsatisfactory; and whilst no compensation was offered for wrongs which had been complained of, every fresh attempt made by the United States to exact reprisals, or protect their trade against it, was made the occasion and excuse for some fresh aggression. And the sympathy of the Americans for Denmark, on account of the ablation of its fleet by Great Britain, was sadly misplaced; for the French rovers were scarcely so piratical in their seizures of the ships of the United States, as the privateers of Denmark were.

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Congress, by way of response to Madison's appeal, but not without much and grievous debate, adopted a species of "Navigation Act," in imitation, as to its title and provisions alike, (except that these last were more stringent,) of the English navigation laws. For it was discovered, and we are not astonished at the discovery, that the commerce of the whole Union was hampered and well-nigh destroyed by the existing restrictions; and that the Democratic South, equally with the Federalist North, was deprived of the very means of living in consequence. The Senate, however, viewed the matter in a different light; and in the end, the two Houses coming into collision, no change whatever in the system was made.

Negotiations were also attempted with Britain, by means of Pinkney, who was resident minister at London; and a new effort was made in Congress, in the form of a suspension of the Non-importation Act for three months, after the close of the session, to give time for the belligerents to recall their "Orders" and "Decrees." The war-ships of both nations were also excluded from American ports.

Bonaparte's reply to the recent measures of Congress, and the representations addressed to him through General Armstrong, was a new decree, dated at Rambouillet, on the 23rd of March, 1810, aimed especially at American commerce. Nearly a hundred and fifty vessels belonging to citizens of the United States, which had been captured by French ships, and were waiting trial, were condemned at one swoop, and the proceeds of the sale of them ordered to be placed to a particular account in the Imperial Treasury. And at the same time every American vessel entering any port in the possession of France, was declared confiscated.

Little advantage resulted from the efforts of Pinkney at London. And although Jackson was recalled, it was in such a way as indicated most clearly that the government was resolved not to imply that any blame was due to him. The President even thought that it was intended to show that his policy, and the proceedings of his advisers, were rather to be blamed; and provision was made to repay such scorn, if it were purposed. Notwithstand-



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ing all the impediments which the "Orders in Council" put in the way of the renewed trade of the American ships, or were alleged to offer to it, the commerce with Great Britain revived considerably, and the British government very prudently fostered it to the fullest extent of the limits allowed by those "Orders," and even beyond them.

This, however, was not what the French emperor desired to see; accordingly, with that diplomatic veracity in which he excelled Talleyrand himself, he set himself to foment the discontent which was entertained against Great Britain, and to throw upon the hands of his powerful and only dreaded adversary, a new foe; who would not be, as he hoped, so easily shaken off, as some of those he had raised up in Europe had been. Skilfully availing himself of the terms of the conditions of the suspension of the Non-intercourse Act; he announced to the government of the United States the recall of the "Decrees" of Berlin and Milan, on the 1st of November following, provided that the British "Orders in Council" should also be revoked, or the United States should "cause their rights to be respected by the English."

Pinkney and the Administration generally were deceived by this announcement, but the British government refused to accept any thing short of an unconditional and immediate revocation of those "Decrees." And it was justified in its refusal to be contented with that which imparted such great contentation to the Americans, by the continuation of the confiscation of United States' vessels in French ports, as if no such professions of amity had been made. And yet Madison accepted Bonaparte's conditional abrogation of these "Decrees," as if it had been absolute; and issued a Proclamation, which was, in reality, the formation of a league with France against Great Britain.

A new element (although, in consequence of the *alliance* of Spain with France first, and its *hostilities* with that country afterwards, it exercised but little influence upon the general course of affairs;) was added to this confusion, by the seizure of all that portion of West Florida, known as the Baton Rouge District, and its annexation to the Territory of Orleans. Some of the particulars of this proceeding have been given above; and from them it must appear that, since the government chose not only to avail itself of the expeditions of mere *filibusters*, for the sake of territorial aggrandizement, but even to direct filibustering expeditions against the territories of its neighbours, it could not in reason complain, even if Spain had stirred up the Creeks to rebellion, and armed them against it. At the same time, since Britain was now the ally of Spain, and was in fact most powerfully assaulting the empire of Napoleon by assisting the patriots in the Peninsula, who had risen in arms against their French "deliverers;" this act of hostility to Spain was a blow at Great Britain also. And, perhaps, it is the consciousness of this, which has expressed itself in those positive but unfounded assurances that the savages were supplied with weapons and ammunition by Great Britain, that we read of in the preceding Book. Certain it is, that the British representative at Washington, the *Chargé d'affaires*, recorded his protest against the

land buccaneering, in which Congress and the President appeared as the partners in the crime, and the sharers in the plunder, of a band of reckless and unprincipled adventurers.

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The Message of December the 5th, 1810, contains no new fact or statement. The matters we have last related are reviewed in that document, in such a way as was needful to make them appear presentable to the public, and justifiable in Congress, should any questions be asked by the few yet resolute antagonists of the Administration, who were found there.

Great Britain, as we have said, refused to be satisfied with Bonaparte's way of recalling his "Decrees," notwithstanding the satisfaction professed by the American President: and as nothing occurred to remove her well-founded objection to consider them in the same light as Madison had, it became the duty of the latter, in compliance with the conditions, into the acceptance of which he had been most artfully entrapped by Bonaparte, to direct his artillery of commercial restrictions against it alone. "The door of reconciliation," as Dallas, in his florid and worse than one-sided vindication of the war, called that last Act of Congress respecting Non-importation, was now closed; for, "unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn."

"She had, at this epoch," the new minister of Finance proceeds,—and it must be distinctly borne in mind, that we quote the passage solely that our readers may see the amount of forgetfulness which is presumed in those it was addressed to, as the official justification and defence of the war,—“she had impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated the commercial property of American citizens to an incalculable amount. She had united in the enormities of France [and thus it was not upon her that the chief guilt rested, nor should the fiercest vindictiveness have been directed against her, by Dallas' own showing!] to declare a great proportion of the terraqueous globe in a state of blockade; chasing the American merchant flag effectually from the ocean.” We have not forgotten, that it was by the Acts of Congress alone that this was effected, and in spite of the “united enormities” of Britain and France, no sooner was Embargo or Non-intercourse Act suspended, than the fleet-ships of the United States' mercantile marine swarmed out of her ports and harbours, and joyously made their way to Britain first!

“She had contemptuously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters and harbours of the United States. She was enjoying the emoluments of a surreptitious trade, [that is to say, Bonaparte, in spite of his ‘Continental System,’ was forced to clothe his troops with the products of British looms, and to adopt the ‘licensing’ system as the complement of the former; and it was this, and not the trade of Britain, which was] stained with every species of fraud and corruption; which gave to the belligerent powers the advantages of peace, while the neu-



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tral powers were involved in the evils of war. [Or, in other words, Bona-parte confiscated the American ships in which he found British goods, although he allowed other ships to purchase licences to carry them; and so, for his fault, let Britain be execrated!] She had, in short, usurped and exercised on the water, a tyranny similar to that which her great antagonist had usurped and exercised upon the land. [And by that means had preserved the United States from his attacks.] And, amidst all these proofs of ambition and avarice, she demanded that the victims of her usurpations and her violence should revere her as the sole defender of the rights and liberties of mankind." And remarkably enough it happened that *she was just that*; and whatever liberties there are now in the New World or the Old, it was by her that the sacred spark whence they were kindled was preserved from being quenched, when the great flood of tyrannous despotism went up to cover the whole earth.

Early in 1811, notwithstanding all the fair promises by which Madison had been deluded into assuming an almost definitively hostile attitude in regard to Great Britain; it was made plain that not the least shadow of compensation, or any other species of redress, might be expected from France, on account of the seizures and confiscations, the depredations and aggressions, on the trade and the citizens of the United States, made either by her government vessels or by privateers. And almost coincidently with this, in the course of the debate on the Bill for enforcing (by one of those monstrous *non-sequiturs* that party—if we should not rather style it faction—is capable of,) non-intercourse with Great Britain; the question which had been quietly shelved in all the negotiations, and used only as a *cheval de bataille*, which would bear down whole ranks of the Opposition at once,—the question of impressment,—was brought up again in Congress. But, we shall see, it was only for party purposes, and like the state-swords of our ancestors, yet extant in the Tower of London, and other, so-called, "armouries," it was only for the show of a most redoubted weapon, that this was brought out from its dust and cobwebs, and flourished in the faces of the Members of Congress,—with but little effect.

The United States may justly claim, in connexion with "this Second War," the glory of having led the way in expounding practically the Law of Nations, in three very prominent particulars. First, in the denunciation of privateering. Jefferson, we shall see, was but a half-hearted believer in this. Next, in the insisting upon the inviolability of the trade of neutrals,—or, as it really signified, in insisting upon the distinction between rulers and people, in carrying on a war by commercial restrictions. And lastly, in maintaining that no blockade shall be deemed such, that is not actually one!

And the triumph, justly due to America, for her persistency in the assertion of these tenets, as practical questions, though long delayed, has at length been accorded to it; and a full, free, and generous "vote of thanks" it is. For in this year, 1854, in commencing the first great war (as it seems likely to prove) since 1815, every one of these principles have been agreed upon

by France and Great Britain, and subscribed to by Russia, and by every other state of Europe in the least interested in this war. And the credit of having been the first to uphold them, and to demand the acknowledgment of them by the other great powers, is ascribed, without one single dissentient voice, to the United States of North America. Such pure and lofty and ennobling achievements as these deserve far more notice and acclaim than they can receive; and surely it is by such grand and genuine victories, that the title of the United States to stand in that place, with respect to the other nations of the earth, which they have taken and (with more or less skill) kept, now these many years, is honourably and completely established.

In the spring of 1811, two movements occurred almost simultaneously, which showed most clearly the direction in which the affairs we are principally concerned with were moving. Pinkney, finding it impossible to persuade the ministry of the monarch of Great Britain, that the recall of the "Berlin and Milan Decrees" was any thing more than conditional, and yet more difficult to induce them to renounce the system of paper blockades, left London. He was more successful, because it was his own government that he had to convince, about the compensation for the Chesapeake affair, which was now, at last, put in a fair way of being settled, both parties consenting to the same terms.

A new ambassador was also appointed to renew the negotiations at Washington, Augustus J. Foster, who came charged especially, if not exclusively, with the old proposals respecting that Chesapeake business, which by Pinkney's efforts had already been as good as accepted. It yet seemed possible that affairs might take a favourable turn, and by forbearance on one side, and good sense on the other, the shameful spectacle of two nearly related nations at war about mere speculations and fantasies, be spared the world; when at this very time occurred a transaction which postponed the settlement of all the disputed points, and raised anew that ferment which by war alone could be appeased.

"The English," says Cooper, "increased their cruisers on the American coast, in proportion as the Americans themselves did, though their vessels no longer lay off the harbours, impressing men and detaining ships. [It is always politic in historians, if not altogether accurate, to make the most of a well-proved case. The plural has so much finer a sound than the singular. And besides, as a figure of speech, rhetoric justifies it; although unimaginative copyists, coming afterwards, do take the said plural to be literal and not metaphorical!] It was seldom that a British cruiser was now seen near the land, the government probably [there is great virtue in the employment of this word;] cautioning its commanders to avoid unnecessary exhibitions of this sort, with a view to prevent collisions. Still they were numerous; cruised at no great distance; and by keeping up constant communications between Bermuda and Halifax, may be said to have intercepted nearly every ship that passed from one hemisphere to the other."

And now let our readers picture to themselves Commodore Rodgers, on



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board the President, 44, Captain Ludlow, then anchored off Annapolis;—information is brought him that a man had been impressed from an American brig, by an English vessel, supposed to be the *Guerriere*, 38, Captain Dacres, off Sandy Hook. He is the senior officer of the navy afloat, and the sacred ark of the Constitution is in danger; at once he weighs anchor and makes all sail for New York, “to inquire into the facts.” It is the 10th of May, this 1811. On the 16th, at noon, a sail is made. It is soon perceived, by the squareness of her yards and the symmetry of her build, that she is a vessel of war; and the American frigate stood for her, “with the intention to get within hail.”

“At 2 P. M.”—we are following Cooper mainly, “the President set her broad pennant and ensign. The stranger now made several signals, but finding they were not answered, he wore and stood to southward.” In fact, for discretion is always the better part of valour, the stranger ran away, perceiving that the President carried twice his number of guns, and that to provoke a contest was simply to run into destruction,—independently of the fact that there was no war between Great Britain and America then. The President gave chase, discerning at least that the stranger was a smaller vessel; and for six hours and more, it was a match in which the bigger ship was the winner both as to speed and manœuvring, as it might well be.

Near half past eight, Commodore Rodgers, bringing up on the weather bow of the stranger, “a little forward of his beam,” hails:—“What ship is that?” Stranger also hails,—which we, considering ourselves entitled to an answer before asking a new question, do not reply to, but repeat the hail; responded to as before, which we not choosing to hear, deny *in toto* afterwards. What follows happened so quickly, and both crews were in such a state of excitement, that no clear or consistent story can be collected out of the reports made by the officers of both ships. Only this is certain, that both ships fired on each other, neither having received an answer to her hail; and that from single guns it grew to a broadside, in a shorter time than has been occupied in reading these few lines.

Whichever vessel deserves the blame of having commenced this action, the President undoubtedly has borne away the peculiar glory of engaging with a vessel of half her strength only, on the same terms as if she was an equal. Cooper alleges that it was not until fully engaged that the President perceived this inequality in the strength of her antagonist, and that orders were immediately given to cease firing, which were not all at once obeyed. The crew on the other ship were unhappily not aware of this cessation, neither did they know how generous the intentions of their enemy were; but, according to their usual custom, fought on, until at the end of about three quarters of an hour, they found themselves so completely disabled, as to be compelled to discontinue the combat. From Rodgers’ account it would all seem to have been over in less than half that time.

In reply to a third hail by the American, the crippled ship announced herself a British ship of war, but the name was inaudible. “Satisfied that

his late opponent was disabled, and having no desire to do more than had already been accomplished, Commodore Rodgers gave the name of his own ship, wore round, and running a short distance to leeward, he hauled by the wind again, with a view to remain near the English vessel during the night. The President kept lights displayed, in order to let her late antagonist know her position, and wore several times to remain near her;" which no doubt proved a great consolation to the defeated combatants.

"When day dawned, the English ship was discovered some distance to leeward, her drift in the night having been considerable. The President bore up under easy canvass, and running down to her, a boat was lowered, and Mr. Creighton, the first lieutenant, was sent on board, with an offer of services. The stranger proved to be his Britannic Majesty's ship *Little Belt*, 18, [and we had 44!] Captain Bingham." Thirty-two of her people had been killed and wounded; but the captain declining the services of Commodore Rodgers, the vessels parted, and the ships returned to their respective harbours. Two round shot alone struck the President, one in the main-mast, the other in the fore-mast; and of all the crew, only a boy was slightly wounded by a musket-ball. In matters of this kind it is very difficult to gain the least clue to discovering the truth of the conflicting statements; but this result does, we must confess, square much better with the tale of the British officers than with the American account. And in addition to that, the consideration adduced by Alison seems to be unanswerable:—"It is hardly credible that a *sloop with eighteen guns, and one hundred and twenty-two men*, should provoke a contest with a frigate of forty-four, manned by four hundred."

It is alleged by Cooper, that "no political consequences followed this rencontre;" which again confirms the English account. We must, however, enter our protest against the tone and spirit of the following remarks. "The *Little Belt* having suffered even out of proportion to the disparity of force between the vessels, the American government was satisfied with the punishment already inflicted upon the assailants; while the English government could not well demand reparation, without demanding that the American functionaries should not believe their own officer. After some communications on the subject, and an exchange of the testimony that had been given, nothing further appears to have been done, or contemplated, by either government." The fact is that this was regarded, tacitly perhaps, but certainly regarded, as a set-off against the Chesapeake affair; and in this view of the subject the whole truth of the entire matter is involved. The Democratic newspapers, with their usual regard to veracity, roundly asserted that the attack of the *Little Belt* was in consequence of her having carried off some American seamen!

With the people of the two nations it was different. "In England, the account of Captain Bingham was generally believed, and it served to increase a dislike that was so little concealed as to attract general comment." This is, however, an exaggerated view; for not even in the first war, except for a very short period, was there any popular "dislike" of America. "In



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America there were two parties, one of which as blindly defended, perhaps, as the other condemned their own officer. A strong feeling existed in the towns, and among a certain portion of the rural population, in favour of what was called the English cause, as the struggles of Great Britain were connected with the general war, and party feeling had blinded so many to the truth, that the country had a great number of persons who, without stopping to examine into facts, were disposed to believe their own government and all its agents wrong, whenever they came at all in collision with that of England. This portion of the community, influenced by the remains of colonial dependence, fostered by the prejudices and influences of English merchants settled in the towns, and strengthened by the acrimony of party, was bitter in its denunciations against Commodore Rodgers; and it may be doubted if that officer ever regained in the public estimation the standing that was lost by means so equivocal."

We shall not enter into Cooper's "brief examination" of certain "general principles" involved in this case; because they are totally irrelevant to the case in question, how pertinent soever the discussion of them may be to the war in general. They do not take into account the facts of the intense animosity entertained on board all the American vessels of war, against Great Britain;—the burning determination to avenge by any means the attack made upon the Chesapeake by the *Leopard*;—the excessive inferiority of the British vessel, in size, armament, and crew, to that of Commodore Rodgers;—nor the inevitable inference to be drawn from the very next incident in the war, which he himself relates; and which we will give in his own words.

"Not long after the meeting between the President and the *Little Belt*, the United States, 44, bearing the broad pennant of Commodore Decatur, fell in with the *Eurydice* and *Atalanta*, British ships, off New York; and while the commanders were hailing, one of the seamen of the former vessel, [United States,] in carelessly handling the lanyard of his lock, fired a gun. ["This," Cooper adds in a note, "was the excuse of the man. Commodore Decatur believed that the gun was fired *intentionally* by its captain, *with a view to bring on an engagement*. So strong was the feeling of the seamen of the day, that such an occurrence is *highly probable*."] The reader will learn in this fact, the high state of preparation that then prevailed in an American man-of-war; the lock having been cocked, and every thing in perfect readiness to commence an action at a moment's notice. Happily both parties were cool and discreet, and proper explanations having been made, the English commander was entirely satisfied that no insult or assault was intended." Remembering that the nations were not yet at war, it is much more than "the high state of preparation" which is exemplified by this instance; while the conduct of the commanders of the two British war-ships forms an instructive contrast to that of Rodgers, as described by himself.

Foster found the American government still so pressing with regard to the Chesapeake affair, that nothing except the reinforcement of Commodore Rodgers' statements by those of the other officers of the ship could be ob-

tained; and he desisted from his attempts to gain any thing else, and urged the acceptance of the reparation offered for the injury to the Chesapeake; which was at last agreed to, but not without a new protest against the removal of Admiral Berkeley to a superior command, which to Monroe did not appear a sufficient reprimand for the part he had taken in the business.

At the same time he made, in the name of his government, several very important concessions respecting the right of blockade, which was one of the chief subjects of complaint by the Americans; who, on their side, endeavoured, by the parade of some American vessels that had been seized by the French authorities, and subsequently released, to make the British resident, and the ministry at London, believe that Napoleon had actually revoked his "Decrees," as far as they were concerned. The motives which led to this very ineffectual attempt to cajole the experienced diplomatists of Great Britain, are not easily discovered. It might have been contempt of Britain, or want of diplomatic skill, or intense partisanship towards France, or merely a device to gain time; or, as it seems to us very probable, all these feelings may have operated in leading to the use of this argument, which was belied by the rigid enforcement of the "Decrees" by the French government generally, and by the fact that at this very time a new envoy was despatched to Paris, to complain of the continuance of the depredations committed on American merchant vessels, under those "Decrees;" and of the refusal of all compensation for the injuries formerly inflicted in the same way.

With the beginning of November, this year, 1811, came the annual assembly of Congress, and the customary Message. In this document Madison expressed his disappointment at the disbelief respecting "the extinction of the French Decrees," manifested by the British government; and added the information, that the Administration had been "given to understand, that a continuance of the Non-importation Act would lead to measures of retaliation" by Great Britain. He also declaimed against "the unfriendly spirit" of the communications made by the British ministers, and represented the Little Belt affair itself as a wrong committed against America.

On the other hand, he thus spoke concerning France. "The justice and fairness which had been evinced on the part of the United States towards France, both before and since the revocation of her Decrees, authorized an expectation that her government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States; and particularly to restore the great amount of American property seized and condemned under Edicts, which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.

"In addition to this, and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and



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unexpected restrictions, to which their trade with the French dominions has been subjected; and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States."

Madison confesses in this very important paragraph, that the "Decrees" were *not* really recalled; and that in accepting a nominal and pretended recall of them for the purpose of insisting on the revocation of the British "Orders in Council," he was acting merely as a subject ally of France. His complaint of the conduct of the belligerents towards the United States was in both its parts unreasonable;—since he must have known that Britain was justified in refusing to withdraw her "Orders," the withdrawal of the French "Decrees" being only simulated; and having lent himself to the purposes of the French government in its contention with Great Britain, he ought to have expected to bear his full share of the burdens of such an alliance.

As to other European powers, the Message represented the relations of the United States with Russia as "on the best footing of friendship." "The ports of Sweden," it also said, "have afforded proofs of friendly dispositions towards our commerce in the councils of that nation." And Denmark itself was spoken of as on the whole amicable in its aspect towards America.

John Quincy Adams was at this time ambassador at the court of St. Petersburg. His biographer, William H. Seward, says,—“The United States, though but little known in Russia at this period, was still looked upon with favour, as a nation destined in due time to exert a great influence upon the affairs of the world.” But we cannot attribute to the Muscovite despot all that the sanguine politician of New York appears to have discerned in his reception of an embassy from the United States. No doubt can be entertained that the sole inducement to commence diplomatic relations with the United States in the first instance, was the hope of embarrassing Great Britain; and the same motive must have been in operation at the time when, by the Treaty of Tilsit, Alexander had leagued himself with the great French chieftain, in a conspiracy against the liberties of the whole of Europe. The stability and progress of American liberty cannot have commanded the sympathies of the Autocrat of the Russias; and America can never, except as a lever in diplomatic dynamics, which might possibly be set in motion for the furtherance of Russian designs, have been esteemed as an ally by him. The events of later years have fully expounded the flattering notice taken of John Quincy Adams by the Czar; and have exposed the worthlessness of Jefferson's judgment, and that of so many other statesmen contemporary with him, who were duped by the fine speeches of their Imperial ally; and in the earnestness of their abhorrence of British tyranny, could applaud the monarch who had prohibited the very name of liberty from finding access to his dominions.

“Congress will feel the duty,” said Madison, in the course of this Message, “of putting the United States into an armour and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.” And accordingly, the great effort of the legislature was devoted to this two-

fold object. As one historian of this Administration remarks,—“A bolder and more defiant tone was now assumed by the Democratic members of Congress, particularly by those from the Southern and Western States. The inactivity and indecision which had characterized the policy of the dominant party in former years were laid aside, and warlike measures of the most decided stamp were promptly adopted.

“Bills were passed at this session providing for the enlistment of twenty thousand men in the regular army; for repairing and equipping the frigates in ordinary, and building new vessels; and authorizing the President to accept the services of fifty thousand volunteers; and to require of the executives of the several States and Territories, to hold their respective quotas of one hundred thousand men, fully organized, armed, and equipped, in readiness to march at a moment's warning. Funds were also appropriated to enable the executive to carry these provisions into effect.

“It was with some reluctance,” proceeds our author, who, in common with many other writers on this episode in the national history, fancies himself under obligation to feign a species of modesty on the part of his hero, when he saw the plans of his leader and his adherents so near their accomplishment;—“it was with some reluctance, in view of the exposed condition of the country, and the lack of means for carrying on a war with one of the first powers in the world, that Mr. Madison acquiesced in these measures, although he saw their necessity. While he hesitated, he was waited upon by several of the leading Democratic members, who assured him that the popular feeling was setting strongly in favour of a war; that the friends of Mr. Clinton were taking advantage of his timidity; and that if he desired to sustain himself, it was necessary for him to take a bold and decided stand.” It is very needful for us, in our estimate of this whole affair, to take into account this conference, and these arguments proffered by the Republican leaders to the chief magistrate of the nation, to persuade him not to delay to recommend a declaration of war. The partisan and even personal tone of them will abundantly elucidate many of the features of the negotiations, or rather intrigues, which have been, or yet remain to be, related.

“Mr. Madison,” we are further told, “was by no means averse to the war, though a man of peace in principle and in practice; but he feared that Congress would either be unable or unwilling to provide him with the necessary supplies of money and men, to carry it on to a successful issue. Furthermore, his cabinet officers, though not undistinguished for talent, were hardly fitted for the emergency; and some diversity of opinion likewise existed among them. Mr. Gallatin was openly and avowedly opposed to a war, and Mr. Pinkney believed it premature to hurry on hostilities, while so little preparation had been made. Mr. Granger was not opposed to a war, but was unfriendly to Mr. Madison, and secretly operating, in connexion with Obadiah German, one of the Democratic Senators from New York, for the elevation of Mr. Clinton to the Presidency. Mr. Monroe was the only military man in the Cabinet, and his experience had been limited. The Secretaries



CHAP. I. of War and the Navy were estimable men, but not at all calculated for directing the operations of armies and fleets in a state of war. As for the President himself, he did not profess to have any acquaintance with military matters."

It would be vain to endeavour to present any sketch of the arguments, or substitutes for them, by which the dominant party strove to make Congress the instrument for pushing this pacific Cabinet to take the irrevocable step of plunging the nation into war. How Randolph thundered, his fiery oratory heated tenfold hotter by his indignation at finding himself in the Opposition, when the Administration was carrying into execution the things he had most at heart; and he had, by turns, to denounce and to vindicate every principle he held;—how the possession of a navy was now proclaimed as the only hope for the salvation of the country, and now scornfully pointed at as a vain and traitorous scheme of the Anglicizing Federalists;—how Gallatin consented to sink his own opinion and to devise the means of carrying on this war, if Madison could but be driven to begin it, by the fear of losing his chance of re-election to the Presidential office;—all this, after what we have related, we do not need at length to tell; it will be sufficient to have hinted thus at what took place in the Federal Legislature during this extraordinary session, which lasted from the beginning of November to the following July.

Some incidents, however, require a fuller mention. On March the 9th, 1812, Madison transmitted to Congress the papers, &c., relating to "the Henry affair." To this we have already referred, when speaking of the alleged treason of New England; and from that reference, the general nature of this communication may be readily understood. Ostensibly an accusation of Great Britain, this Message, with its enclosures, was in reality aimed at the Federalists of the Eastern States, whose resolute common sense was the most formidable obstacle which lay in the way of the party which was bent upon hostilities with the mother country; and it did greatly increase the impetus of the Democratic movement, if it did not weaken its opponents.

These letters were presented by the President, as proving "that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality [philo-Gallic, or Jeffersonian, neutrality!] towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent of that government [this was just the point where the charge broke down, there being no means of connecting Henry's mission with any more influential member of the British government than the Governor-general of Canada;] was employed in certain States, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with the British force, of destroying the Union, and forming the Eastern part thereof into a political connexion with Great Britain."

The implications of this short "Message," which the facts of the documents did not bear out, are too numerous to specify here; but it is remarkable, that notwithstanding the charge against "certain States," Madison should conclude by lauding "*that happy union* of these States, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity."

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What Henry had actually done in New England was in brief this. Having on former occasions afforded to the Canadian governor "information and political observations,"—about Canada perhaps, and the intrigues, or small-talk about intrigues, that were always rife in the American border towns, for joining the British provinces to the American Union,—he was, in 1809, invited by Sir James Craig to undertake "a secret and confidential mission to Boston," on the very vague promise,—“there is no doubt that your able execution of such a mission, \* \* would give you a claim \* \* \* on his Majesty's ministers.” Accepting this undertaking, the Americanized Irishman, who had peddled in many different trades in his time, went through Vermont and New Hampshire to Boston.

“There are many persons,” wrote Sullivan in 1833, “that remember John Henry, and that he was in Boston in 1809. But no one ever heard it suggested that he was a British agent. He was said to be engaged in some sort of land speculation; but very few knew or cared how he was employed. He was a handsome, well-behaved man, and was received in some private families.” Other witnesses represent him as haunting “coffee-houses and brothels;” but with “the seat of government in Massachusetts,” he appears to have had no more to do, than the idlest and most purposeless visitor at Boston in that spring-time.

When we noticed this affair before, we gave a few extracts from the letters of this “agent,” and promised some more on this occasion of returning to the subject. The following are all from letters written at Boston after the installation of Madison as President; and when the foreign relations of the Union, those with Great Britain especially, were assuming a somewhat different appearance. His plan for defeating the Non-intercourse law, and his suggestions respecting the different courses to be pursued, on various suppositions respecting the object of Great Britain, in her dealings with the United States, we do not quote.

“An unpopular war, that is, a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.” Which has the semblance of correct observation. Not so the next sentence. “It cannot be necessary to the preservation of peace, that Great Britain should make any great concession at the present moment.”

“I lament the repeal of the Embargo,” he adds, “because it was calculated to accelerate the progress of these States towards a revolution that would have put an end to the only republic that remains to prove, that a government founded on political equality can exist in a season of trial and difficulty,



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or is calculated to insure either security or happiness to a people." Which betrays a very unamiable weakness on the part of Mr. John Henry, but does not show that New England was disposed to seek refuge, even from the Embargo, in the lion's mouth.

"Those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence, that nothing can force him [Jefferson] (or his successor, [Madison,] who acts up to his system, or rather is governed by it,) to consent to war. They consider all the menaces and 'dreadful note of preparation,' to be a mere finesse, intended only to obtain concessions from England on cheap terms."

"A war attempted without the concurrence of both parties, and the general consent of the Northern States, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace."

"The men of talents and property now prefer the chance of maintaining their party by open resistance, and a final separation, to an alliance with France and a war with England."

Had the majority in the New England States continued to approve of the public measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect is changed, and a war would produce an incurable alienation of the Eastern States, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial States should carry, and the agricultural States export, their surplus produce. All this is as well known to the Democrats as to the other party; therefore, they will avoid a war, at least until the whole nation is unanimous for it."

The Erskine negotiation, the failure of which has been noted in this chapter, "has given much satisfaction to the Federal party here," he says, "because it promises an exemption from the evil they most feared,—a war with England,—and justifies their partiality towards Great Britain; which, they maintain, was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the Democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson."

"The Democrats consider their political ascendancy in a great measure dependent on the hostile spirit that they can keep alive towards Great Britain; and recent events demonstrate, that their conduct will be predicated upon that conviction."

"Recent changes," he writes in the beginning of May, "quiet all apprehension of war, and consequently lessen all hope of a separation of the States."

"The parade that is made in the National Intelligencer, of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain, is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence."

"Weak men," he says, rising for once to the grade of a moral philosopher,

"weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. 'This is the character of the Democrats in the Northern States. Of those of the South I know but little.'" We should rather have expected him to say that the *Federalists* had acted thus; his ascribing a temporizing course to the Democrats, renders his whole testimony suspicious.

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"I beg leave to suggest," writes he, three weeks later, "that in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by his Majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission."

Sir James Craig hereupon recalled his "agent;" for "the original purposes of his mission" were not such as to require mere disquisitions upon American politics in general. But lest any mistake should arise, we will give in the governor-general's own words, "most secret and confidential" as they were, a full statement of those "original purposes."

"It has been supposed," so he wrote to the worthy Mr. John Henry in the way of "*Instructions*," that if the *Federalists* of the Eastern States should be successful in obtaining that decided influence which may enable them to direct the public opinion, it is not improbable that, rather than submit to a continuance of the difficulties and distress to which they are subject, they will exert that influence to bring about a separation from the general Union. [Sir James is not very lucid here. If the *Federalists* could ever have acquired the lead in the Union, they would have shaped the course of public affairs according to their own political theory, and Congress would have been the instrument they employed. "Separation from the general Union" would not have been dreamt of then by any but the Democrats, and they would have done more than dream.] The earliest information on this subject may be of great consequence to our government; as it *may* also be, that it should be informed, how far, *in such an event*, they would look up to England for assistance, or be disposed to enter into a connexion with us."

Two years after the date of these letters, we find Henry in England, attempting, but in vain, to obtain from the government there some compensation as for services rendered, or some admission, at least, that he deserved compensation. All he succeeded in procuring was a recommendation to his actual employer in his "secret and confidential," but most bootless, "mission," or his successor in office, to give him any other occupation, that he might be considered qualified for; and with this very imperfect identification of his "mission" with the imperial affairs of Great Britain, he made his way back to America.

But instead of going to Canada, Henry made his next appearance at Boston; and with him was "Count Edward de Crillon," of whom we shall hear more presently. His zealous wrath against republican governments, which had led him, according to his own tale, (or more correctly, according to Count



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Crillon's report of his own tale; for we have to deal with such a tangle of knavery, that we must be as specific as possible,) to write against the United States' government, and to act as "agent" to the British governor-general, for no one knows what purpose,—all his zeal had died out; and now the wrongs of his native country, Ireland, fired his soul, and he was determined to be revenged against Great Britain, by *selling* to the United States' government, if they would buy them, the documents relating to his "mission."

Armed with an introduction to the President, from Gerry, now governor of Massachusetts, Henry offered his papers for sale at Washington. "When," says Ingersoll, with great fairness, "Henry proffered his tale for a bribe, Madison's Administration, consisting of Monroe, Paul Hamilton, and Pinkney,—Monroe and Pinkney, with European proneness to suspicion of European government,—all with Southern opinions of Eastern people,—eagerly caught at the disclosure, at any price, and counselled the importance of its solemn publicity." So the whole secret service found, as the same writer (impartial in this case) says, was poured into his lap; and amongst Monroe's papers there was found his original receipt given to John Graham, (whom we have seen employed as an "agent" from the Administration, to spy out the disloyalty of New England,) and dated February the 10th, 1812, for *fifty thousand dollars*, "on account of the public service!"

Henry had affected considerable mystery at Washington; keeping within-doors all the day, and stealing out to pay visits only in the dusk of evening; and he made his stay there pay well, for he remained but ten days, departing on the 11th of February to Baltimore. The letter addressed to Monroe, in which he "voluntarily tenders" to him "such means as he possessed towards promoting so desirable and important an object," as "unanimity amongst all parties in America,"—meaning, thereby, his budget of letters, which are truly a somewhat remarkable olive-branch;—that letter bears date, Philadelphia, February the 20th; and on the very day of Madison's communication of his costly purchase to Congress, the patriotic Irishman left the country for France, in a government war-sloop.

Sullivan suspects Madison of having timed the publication of Henry's documents by means of Congress, so as to further the re-election of Gerry as governor for Massachusetts; but it is much more probable that the communication of them was postponed solely to give Henry time to leave the country, that no explanation might be possible.

Much more to the purpose is the suggestion, that the President had a very imperfect notion of the contents of Henry's letters before he paid the enormous price that was demanded for them. Madison could scarcely have been pleased when he found in them such criticisms upon himself, and his predecessor, as the following.

"The past Administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness, and duplicity."

"Although it is believed that there is no probability of an immediate war,

yet no doubts are entertained that Mr. Madison will fall upon some new expedient to bring about hostilities."

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"The observations made on his friendly disposition to Great Britain, is a matter of no little astonishment. The whole tenour of his political life directly and unequivocally contradicts them: his speech on the British Treaty in '99 [*sic*]: his attempt to pass a law for the confiscation of 'British debts,' and British property: his commercial resolutions, grounded apparently on the idea of making America useful as a colony of France: his conduct while Secretary of State:—all form an assemblage of probabilities, tending to convince me, at least, that he does not seriously desire a Treaty, in which the rights and pretensions of Great Britain would be fairly recognised.

"It seems impossible that he should at once divest himself of his habitual animosity, and that pride of opinion, which his present situation enables him to indulge; but, above all, that he should deprive his friends and supporters of the benefit of those prejudices, which have been carefully fostered in the minds of the common people towards England; and which have materially contributed to invigorate and augment the Democratic party."

How he could bring himself to allow them to be placed amongst the "historic monuments" of the nation, is conceivable only on the supposition, that by insisting energetically in the introductory Message, upon the proofs of British intrigues and New England's collusion with them, he hoped to make all these statements seem no more than echoes of the party-speeches of the Federalists; whereby instead of damaging him in the esteem of his supporters, their ire would be excited so much the more hotly against their rivals, and his seat would be the firmer.

"The most ridiculous part of the affair," says Sullivan, "was the sending of these papers to Congress, which could do nothing with them. They were, in compliment to Mr. Madison, and to make some show of money's worth, [this is a mistake, for the payment was kept secret, and Congress was left to the natural conclusion from Henry's letter, written ten days after he had pocketed the fifty thousand dollars, that it was a "voluntary" affair on his side;] committed, with power to send for persons and papers."

Monroe, in reply to a requisition of the Senate, "had the honour," as he said, "to report that his department was not in possession of any names of persons in the United States, who had, in any way or manner whatever," laid themselves open to a charge founded upon Henry's letters. And there was, in fact, no one to send for but the *soi-disant* "Count Edward de Crillon." This companion of the British "agent" was, therefore, examined by the committee, and told a very round story; ending however with the deposition, that Henry had not mentioned the names of any persons, as those he had conferred with during his "mission."

No doubt can rest upon the mind of any one who has seen the least of men and things as they are, respecting the character and worth of this "De Crillon's" story. It betrays the *charlatan* at the outset, and suggests very



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uncomfortable thoughts of scoundrelism, before half of it has been read. The statesmanship of the Administration suffers not a little, as we perceive that credence was given to such an impudent quack; and when we read in the final Report of the Committee such a sentence as this,—“The circumstances under which the disclosures of Henry were made to the government, involving considerations of political expediency, have prevented the Committee from making those disclosures the basis of any proceeding against him.” For Henry had left America more than a week before; and the leaders of the party knew that Madison had paid him pretty handsomely for his secret services to the Canadian governor-general.

Some doubt is cast upon the authenticity of the original papers, by the evidence of this Crillon; and the Committee felt the weight of it, and examined them for themselves, in consequence, that they might be able to make a report concerning their genuineness, which should be “satisfactory to the House.” How the Report further re-echoed Madison’s virtuous platitudes concerning the perfidy of the British government, no one needs to be informed; or to have even a hint given of the real meaning of this display of righteous abhorrence of such naughty ways. And yet the British minister at Washington had already, in the most emphatic manner, disclaimed on his own part all knowledge of Henry and his business; and had disavowed, in the name of his government, any participation in, or countenance of, schemes hostile to the internal tranquillity of the United States.

On the first divulgence of these letters, the excitement throughout the country was great enough; but when the nature of them became known, and it was discovered that the Administration could only bring the testimony of a man like the “Count de Crillon,” of worse than no character, to support them; it soon died away. But not without increasing the animosity of one section of the country against the British government, and reconciling them to the notion of a war with that nation; nor without adding to the exasperation and enmity of another section against the Administration itself, and embittering their opposition to the foreign policy of the President.

As Dwight has remarked, in his “History of the Hartford Convention,”—“It is much to be regretted, that for the honour of the country, and the character of the government, this whole proceeding was ever suffered to see the light. It ought to have occurred in secret session, and been buried in deep oblivion. Unfortunately, it was found expedient to publish the documents to the world; and they must, of course, for ever remain as evidence of the unworthy spirit by which the government was actuated on that memorable occasion.”

Negotiations were still proceeding both at London and at Washington. Jonathan Russell, *Chargé d’affaires* for the United States, at the former place, finding that the British government still stood upon the fact, (which was afterwards demonstrated to be such, and their conduct thereupon vindicated, although too late to avert the war;) that the French “Decrees” were not recalled, wrote to Monroe,—and the words were repeated until they

became historic,—“I no longer entertain a hope that we can honourably avoid war.”

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Somewhat later, Foster, at Washington, in a long letter addressed to Monroe, reviewed the whole ground of difference between his government and the United States' Administration; contending that Napoleon had not, and it was not then known that he really had, recalled the Berlin and Milan Decrees; and laying down again most definitively the claims made by Great Britain, in respect of the trade of neutrals with the belligerents during war-time. One of these claims has, at the time we write, been formally renounced, but during the contest with Napoleon, it would have been impossible to concede the principle, that the flag should cover the goods; which was what the uncommercial Democrats of the United States demanded.

Before Foster had made this representation, however, the first step towards actual hostilities had been taken; and an embargo on all vessels then in port, or thereafter arriving, was laid for ninety days, by an amendment of the Senate, in which the House concurred; Madison having, at the instance of the war-party, recommended sixty days only; and Clay, “as an American, and a member of that House, feeling proud that the Executive had recommended the measure.” Still, as negotiations were continued, and as petitions were sent for the removal of the restriction, it was feared that it might be used only to stave off the declaration of war;—so little confidence did the ultra-Democrats feel in their chosen leader. A deputation of members, therefore, amongst whom was Clay, waited upon the President, and showed him the necessity of more active and vigorous preparation, and a speedy declaration of hostilities. The argument they employed has been pointed out in an earlier chapter, but it was so singular in its relation to the matter in hand, that it may be stated again. They told him that he could not be re-elected as President, if he did not, by declaring war, put himself at the head of the “Red Sticks” of the United States; and he consented to do so, though, to the impatient eyes of the deputation, he “manifested extreme caution, and even timidity,” whilst consenting.

Barlow, who had been sent to endeavour to set matters on a friendly footing with Napoleon, in despatches which arrived about this time, informed the Administration that he had met with no success in his mission: Napoleon would make no promise respecting compensations for injuries and depredations already committed, nor would he promise to discontinue them in future. At the same time, notwithstanding all that had been boasted of the revocation of the Decrees of Berlin and Milan, they were referred to, without the least hint of any exception in favour of America, as the standing law of the Empire, to be enforced against all recusants. Nothing, of course, was said of any change in the policy of Great Britain, and the reluctant President saw no escape from the declaration of war, which he had been preparing for so long, and nevertheless so much dreaded.

Even the diplomacy of Republics has its reticences, and we strongly incline to the suspicion of some reticence here. That the Federalists of the

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old school, "the Essex Junto" of John Adams' evil dreams, should hold this as certain, we need not wonder.

"Upon the failure of Erskine's arrangement," writes Timothy Dwight, "our government immediately turned their attention towards the adjustment of their difficulties with France. By a series of servile and humiliating conduct towards the haughty and imperious ruler of that nation, they became involved in his unprincipled policy, and were subjected to his influence and control. This is abundantly proved by the public documents. In the year 1811, when it was well known that Bonaparte was making preparations upon the most extensive scale to invade the Russian dominions, for the purpose of forcing the Emperor Alexander to submit to such terms as the former should prescribe, or hurl him from his throne, the measures of our government began to assume a warlike appearance; and advancing step by step with the lapse of time and progress of events, nearly at the same moment when the French army commenced its march for the north, the United States declared war against Great Britain. That the course pursued by our government was intended to operate as a diversion in favour of France, by dividing the British forces, and in some measure distracting the attention of their government from the great theatre of war in Europe, is too apparent to be questioned by any person possessed of a frank and independent mind."

And then he shows how a similar parallelism between the courses of France and America is observable, after Napoleon's most disastrous overthrow, and flight from Moscow. But we hesitate to accept these conclusions, although they are so curious as to deserve a place here, for reasons which will be apparent speedily.

Passing over the debates in Congress, acrimonious and loud as usual, we proceed at once to the war Message, which was sent to Congress on the 1st of June, 1812. In this paper, Madison presented to the Legislature a *pro formâ* recapitulation of all the charges, which in Congress, in diplomatic intercourse, in newspapers, and by every other vehicle of incrimination, had been urged against Great Britain; putting them in the light in which the Democratic party insisted upon viewing them. Thus, the outbreak of hostilities on the Wabash, which we have fully investigated, and with which we have seen the British connected only by statements for which no shadow of ground or proof was offered,—this is enumerated amongst the grievances which justified an appeal to arms. And in the same spirit, although the complaint was made, that France, "since the revocation of her Decrees," (which, it will be seen, were *not* then known to be definitively revoked,) had "authorized illegal captures, by her privateers and public ships," whilst "other outrages had been practised on our vessels and our citizens;" and "no indemnity provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government;"—notwithstanding all this, the President "abstained from recommending definitive measures with respect to that nation," because of certain "unclosed discussions," between the American ambassador and the government at Paris;—a



reason which might with equal or greater force have applied to the quarrel with Great Britain, since "unclosed discussions" existed between the minister of that nation and of the United States, both at London and Washington.

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By means of the small eylet-hole of a letter, addressed to the President by Jefferson, two days before this Message was despatched, we gain a glimpse of Madison's perplexity, which shows us precisely the character of the man; just as Jefferson's betrays the character of the party, to which chance had made him nominal head.

"The triangular war," says the ex-President, "must be the idea of the Anglomen and malcontents, in other words, the Federalists and the Quids. Yet it would reconcile neither. It \* \* \* would exhibit a solecism worthy of Don Quixote alone, that of a choice to fight two enemies at a time, rather than take them by succession. And the only motive for all this is a sublimated impartiality, at which the world will laugh, and our own people will turn upon us in mass, as soon as it is explained to them, as it will be by the very persons who are now laying the snare."

Unfortunate President! And the un pitying Federalists at this very time nicknamed him *United States Prefect* for Napoleon, and believed him to be a servile ally of France! Truly, a party-leader must not be over-nice, for the ethics of party-politics are aught but "sublimated," and any effort to save himself from being trailed in the mire by them, only provokes the mirth of his less scrupulous followers at his weakness. Howbeit, Madison, as we have seen, eschewed the scheme of a "triangular war," brought upon the United States (the fall of Napoleon assisting,) the whole power of Britain, which nothing but grossly unskillful generalship prevented from being most fatal,—and procured his own re-election to the Presidential chair.

On the 18th of June, Congress having considered the Message, and accepted a *Manifesto* in the form of a Report from the Committee of Foreign Relations, passed an Act declaring the existence of war with Great Britain, and authorizing the Executive to take instant measures for the effectual prosecution of it by land and sea. And on the 19th the Proclamation of war was issued by the President. A majority of seventy-nine against forty-nine carried the declaratory Act though the House; and a vote of nineteen carried it against one of thirteen in the Senate. The terms of the Act, as well as those of the Manifesto and Proclamation, are of too little interest to require particular notice here.

Great events were meanwhile moving on in Europe. Napoleon, now on the eve of setting out upon his memorable and suicidal Russian expedition, proceeded to disencumber himself of the importunities of the American minister, with his customary disregard of the most common-place veracity. In the course of a conversation with Barlow, in May, this year, the Duke of Bassano, pressed by the American (who suspected an unwillingness to communicate with him,) somewhat sharply, to his amazement, produced a Decree, bearing date April the 28th, 1811, by which the "Decrees of Berlin and Milan were definitively" "considered as not having existed, in regard to

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American vessels," from the 1st of the foregoing November. This decree, which, had it been made at the time alleged, would have satisfied the requirements of Great Britain, and the more moderate requests of America, alike,—put an end to every just ground of complaint, and prevented the war;—Bassano admitted had not been published; but he insisted, that it had been communicated to Barlow's predecessor, and also to the French ambassador at Washington,—both of whom, we may say, positively asserted that they had never seen it, or even heard of it, till after this production of it to Barlow. And it was "*motivé*," as if for the very purpose of exposing its own fraud, the extent of Gallomania in the Administration of the United States, and the justice of the proceedings of the British government, by the Non-intercourse Act of Congress against Great Britain; that had been passed solely on the ground that the exception professedly made, by this Decree, in favour of American shipping, was already in force!

Bassano consented to furnish Barlow with a copy of this Decree, and he with great judgment and promptitude forwarded it at once to Russell, at London, in the hope that it might demonstrate there, what nothing short of its production could have demonstrated, and most reasonably so,—that Napoleon had at last recalled his "Decrees" as far as they bore upon the United States; and that so the far more injurious "Orders in Council" might be revoked.

Matters of great concern had been transacting there also, and to them we must refer now. "It may readily be conceived," writes Sir Archibald Alison, and we quote from his great work, as certainly impartial on this subject, "what wide-spread internal distress and discontent, so prodigious a diminution in the colonial and manufacturing exports of the kingdom must have occasioned, ["It is vain to talk of substitutes for the North American trade," said Mr. Brougham, in Parliament, at this time, "the loss of which has been the main cause of these grievous evils." "What is the commerce which we sacrifice for the vain honour of preserving these maritime rights," or pretensions? "Why, it is no less than the vast North American market,—a market now taking off thirteen millions' worth of our produce; and *worth*, in the estimation of the most competent witnesses, *all foreign markets put together!*"] especially when coming in the nineteenth year of the war, and to a nation already overburdened with excessive and universal taxation.

"The unhappy operatives who were thrown out of employment, suffering severe distress, and incapable of extending their vision to the wide and far-distant causes which had concurred to produce these calamitous results, conceived that their distresses were entirely owing to the introduction of machinery into the manufactories, and would be relieved by its destruction. A wide-spread conspiracy was, in consequence, formed for the destruction of the obnoxious frames, which, originating in the weaving districts of Nottinghamshire, soon spread to the adjoining counties of Derby and Leicester, and involved a large part of the manufacturing zone of England in riot and alarm. Undisguised violence, and open assemblages of the disaffected, took place;

but these excesses were speedily suppressed by the interposition of the military. Upon this the conspirators, who acted in concert, and took the name of *Luddites*, from that of General Ludd, their imaginary leader, adopted the more dangerous system of assembling secretly at night, quickly completing the work of destruction, and immediately dispersing before either their persons could be identified, or assistance from the nearest military station procured.

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"At length, in the winter of 1811 and the spring of 1812, the evil rose to such a height, especially in the great and populous county of York, that it attracted the serious attention of both Houses of Parliament. Secret committees were appointed in consequence, who collected a large mass of evidence and made reports of great value on the subject. From the information obtained, it appeared that although this illegal confederacy had its ramifications through all the central counties of England, where manufactories were established, and was organized in the most efficient manner to effect the objects of the conspirators, yet it was almost entirely confined to persons in the very lowest ranks of life, and was rather directed to the immediate objects of riot and plunder, than to any general or systematic change in the frame of government.

"A bill, limited however in its duration to the 1st of January, 1814, was passed into a law, rendering the breaking of frames a capital offence; and with such energy was this enactment carried into operation, that no less than seventeen men were condemned to death, and executed in the court-yard of the castle of York at one time, for crimes connected with these disturbances. This dreadful but necessary example had the effect of stopping these dangerous riots, which, like other undisguised inroads on life and property, are never dangerous in a national point of view,—if not aided by the pusillanimity or infatuation of the middle and higher ranks. And before the end of the year, all disposition even to these excesses died away, under the cheering influence of the extended market for manufacturing industry, which arose from the opening of the Baltic harbours, and the animating events of the Russian campaign."

It was undoubtedly owing to these domestic results of this course of maritime policy, as well as the assurance that the Milan and Berlin Decrees were at length *definitively* rescinded with regard to America by Napoleon, that on June the 23rd, just five days after Congress had enacted the declaration of war, "there appeared in the Gazette an Order absolutely and unequivocally revoking the Orders in Council; but with a declaration, that if the Americans did not, after due notice, revoke their interdictory Acts against British commerce, the revocation should become null, and the original Orders revive."

The great opponent of the Orders in Council, during the attack upon them in Parliament, immediately preceding their fall, was Henry, afterwards Lord Brougham; who has since more signally illustrated his name by his eloquent efforts in behalf of the oppressed and neglected, and has proved that the truest patriotism is that which coexists with a due regard to the rights of all



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other nations. The English historian, whom we have quoted, adds the following just observations, in association with the name of this last great orator of the British Parliament.

“The whole arguments, so forcibly urged by Mr. Brougham, as to the vast importance of the American trade to the English manufacturers, applied still more strongly to the impolicy of the United States coming to a rupture with this country, as the proportion which the English trade bore to the sum total of their commerce, was much greater than the American bore to the aggregate of ours. But still, when the experiment had been made, and it had been proved by the result, that the United States were willing to undergo the loss of such a traffic rather than submit to the English Orders in Council, it became to the last degree impolitic to continue them any longer; for *America had infinitely greater resources* whereon to subsist during such a suspension of intercourse, *than the British Empire*; and in the struggle which could starve longest, the manufacturing state, the workshop of the world, like a besieged town, was sure to suffer more than the nations which had drawn their lines of circumvallation around it.”

Congress proceeded to enact such measures as the declaration of hostilities rendered needful, ere it brought this protracted and momentous session to a close. They are such as we can afford to leave unspecified, without detriment to our narrative. The President also, at the request of Congress, recommended “a day of public humiliation and prayer, to be observed by the people of the United States, in offering up supplications to Almighty God for the safety and welfare of the States, his blessing on their arms, and the speedy restoration of peace.”

But by far the most noticeable occurrence in this interval, was the publication of an Address by the Federalist minority to their constituents, reviewing with great ability the whole course of the Administration, as far as it bore on the war; and exposing with dignified calmness the sophistries by which the demand of a party had been treated as if it proceeded from the voice of the nation, and the electioneering exigencies of the President represented as the requirements of the honour of the country. We have no need to quote from this document, which is worthy of a place amidst the State Papers of the times; for in many respects the views we have taken of events have coincided with those which it expresses; and in others the march of intelligence has shed a truer light upon the affairs handled in it. Yet, considering it, we are moved to confess that we see in the whole of this episode in American History, the proofs of the operations of that Providence,—which conducts the affairs of nations along orbits too vast for our feeble reason to discover, till after long watching, and patient and reverent thought,—so much the more clearly, when we know that dissuasives of such an apparent cogency as those which it has recorded in so lucid a manner, were powerless to avert the catastrophe it deplored. And this will, we think, be far more plainly brought to view in the sequel of our story of “The Second War.”

## CHAPTER II.

CAMPAIN OF 1812.—OPERATIONS ON THE CANADIAN FRONTIER.—SUCCESSES AT SEA.—PRIVATEERS.—ABORTIVE ATTEMPTS AT NEGOTIATION.

THERE is one feature in the proceedings of the leaders of the United States, (or, we might say, in the temper of the nation itself,) to which we have on several occasions adverted, which most especially calls for notice at the present juncture. It is that all-defiant audacity of self-assertion, which, in dealing with the parent country, at least, has exacted treatment of a fashion befitting only the magnificent future, that can scarcely be called hidden beneath the immaturity and newness of the present; and has never admitted the possibility of any difficulty, or delay, in the accomplishment of whatever that future seems to promise.

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War was now declared against Great Britain, the only European power which had never deviated from a course of stedfast resistance to Napoleon Bonaparte; and against which neither his arms, nor his intrigues, had been of any avail. What preparations had been made for the contest they had invited with so formidable a foe? Let us hear what History has recorded.

"They knew that Great Britain was the greatest maritime power in existence; that she had a hundred ships of the line in commission, and that a thousand ships of war bore the royal flag; they were aware that her armies had vanquished a vast dominion in India, and long measured swords on equal terms in the Peninsula with the conqueror of continental Europe. They had been preparing for the war for four years: since 1807, such had been the difference between them and the English government, that their intercourse with Great Britain had been almost entirely suspended. Almost all their trading vessels, several thousand in number, were at sea, and lay exposed in every quarter of the globe, to the innumerable cruisers and privateers of the enemy whom they were thus anxious to provoke. What preparations, then, had a republic, embracing eight millions of souls within its territory, so vehemently bent on war, and having had so many years to muster its forces, actually made for a contest of the most impassioned character with such a naval and military power?

"Why, they had, in 1811, four frigates and eight sloops in commission, being the very time when the collision of the President and Little Belt took place: and in 1812, when the war broke out, their whole naval force afloat in ordinary, and building for the ocean and the Canadian lakes, was eight frigates and twelve sloops: while their military force amounted to the stupendous number of twenty-four thousand soldiers, not one half of whom were yet disciplined, or in a condition to take the field."

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There can scarcely be found, we say not a parallel, but an instance which may fairly be ranked as *second* to this! And comparing this astounding absence of preparation with the results achieved, we cannot avoid the conclusion, that *the age of miracles is not past*. Nothing, surely, but the opposition to the war which prevailed in New England, prevented this conflict from being likened to those of the old times, which Sacred Story tells of, when, in the infancy of mankind, He to whom it was “nothing to help with many or with few,” Jehovah, “fought for Israel.”

Long before the declaration of war, it was determined by the party that Canada should be invaded. There was, indeed, no other aggressive movement possible; and having pledged themselves to take the initiative in hostilities, they were bound to do something to justify their sudden breaking off of the negotiations which were still in progress with Great Britain, and appealing to arms. It was so well known that this, which in one form or another was the only thing possible, would be attempted, that when the fiery Randolph denounced the whole war policy of the Administration, he contemptuously referred to it, and to the vain-glorious confidence of success exhibited by those who purposed thus to bring Great Britain to terms. “This Canadian campaign, it seems, is to be a holiday affair; there is to be no expenditure of blood or treasure on our side. Canada is to conquer itself!—is to be subdued by the principles of French *fraternity*! We are to succeed by this French method! Our whole policy in fact is French! But how dreadfully might not this sort of warfare be retorted on our own Southern States!”

But as soon as the invasion was actually begun, war having been declared, it proved to be a measure of precisely the same sort, that every one, from the very commencement of the Jeffersonian Administration of the Foreign relations of the Union, had been;—in fact, a mere *contresens*. Let us rapidly review this too consistent line of policy; for unless we retain a lively impression of it, the whole of this opening campaign will be unintelligible.

Neutrality as to the quarrels of other nations, commercial alliances with any and all, and both an army and a navy of sufficient strength to represent the power of the United States, and to give weight to the Federal government in its dealings with other governments, were the principles of both Washington and Adams; and we have seen the happy results of them. We saw, too, how the ultra-Federalists, deserting these principles, when Adams made peace with Napoleon, refused to concur in his re-election in 1801, and thereby destroyed their party and influence for ever.

With the same words on his lips, Jefferson, whilst head of the Department of State under Washington, when afterwards the leader of the Opposition, and yet more as President from 1801 to 1809, for the sake of preserving the alliance with France, which he interpreted far more widely than a commercial connexion, sacrificed more than was consistent with the honour of the nation, and incurred the blame of unbecoming submissiveness to its exactions; and in his dealings with Great Britain demanded, and often with imperious petulance, the fulfilment of every tittle of the most extensive claims that could be



set up, with any show of right, in behalf of the United States,—and even more than that;—whilst he strenuously exerted himself to reduce both army and navy, for the sake of lessening the burdens of the nation, and not caring for commerce, (since his supporters were but little concerned in it,) he thought by Non-importation Acts and Embargoes, to compel the compliance of Great Britain with all his demands. Foreseeing the probability of war as the upshot of his line of policy in respect of Great Britain, he adroitly contrived to stave it off during the term of his own Administration, and left it to be got through by his successor.

Madison pursued the same course as Jefferson had followed; for, in truth, he could not lift public affairs out of the ruts in which they were moving, when the reins were put into his hands. Politically, he disliked the prospect of war as greatly as Jefferson did; personally, he felt a far greater distaste for hostilities. Unable to strike out an independent scheme of conduct, and wanting the earnestness to attempt even the discovery of what it would be right to do, when he saw what lay before him as the consequence of his management of the relations of the Union with Great Britain, he temporized, and then suffered himself to be overridden by a minority of his own supporters, and forced into a war, merely to secure the enjoyment of a second term of power, as Chief Magistrate of the nation.

The quarrel of the United States with Great Britain, which thus arose, and by this means was conducted to the stage we have seen, was in the name of *commerce*, but it was promoted by those who had less than no interest in commerce, and was detested and opposed by those who cultivated trade. It was directed against Great Britain solely, whilst both Great Britain and France had committed depredations upon American commerce; and whereas, those committed by the former power did not equal those committed by the latter, or by its procuring, and were, whenever it was equitable, or a case was proved, compensated for; none of those, confessedly groundless, committed by France were compensated for. And further, it was directed against Great Britain, although the trade with that country was ten times greater in extent than the trade with France was; and was worth far more to the whole country, Southern States as well as Northern, than that of all the rest of the world.

The impressments by which Great Britain manned her navy, there can be no doubt, were an atrocity when perpetrated against her own subjects; and therefore of surpassing malignity when persevered in against the citizens of an independent nation. But the number of instances was grossly exaggerated in the statements put forth before the war,—and since also. Moreover, Great Britain had offered to repair the wrong as far as could be, or as was just, in respect of genuine Americans; and, after all, when the war was over, and a treaty made, that question was left unsettled, although it had been paraded before the public in the States, as if it were the only one principal ground of dispute; and although, in this respect also, it was rather the Northern and Eastern States that should have felt the injury most acutely.

CHAP. II. Yet again, whilst the United States' government was rousing the ire of the most exciteable classes of the community, by their statements on this subject, they suffered the question to be embroiled by giving certificates of citizenship to those who were no citizens, and maintained them when they had been bartered and sold, and were found in the hands of men, who had never been in America in all their lives: and they refused to allow the British authorities to recover their deserters, sheltered them, and gave them employ on board their public vessels, notwithstanding their outcry about the manumission of fugitive slaves by the British, and their refusal to give up, without evidence of citizenship, those who claimed to be Americans.

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Gravely, repeatedly, in State Papers and Messages to Congress, Great Britain was accused of exciting the Indians to revolt, and make war upon the frontier settlements of the United States, when Britain and America were at peace, and even in alliance. The only evidence being a huge mass of suspicions, rumours, and unsupported and indeed incredible assertions; whilst the British ministers solemnly and categorically denied the allegation, and had no advantage to gain by it; and whilst the Indians themselves said that the reason for their revolts and outrages, was the encroachments of the American settlers upon the possessions which they, and their fathers before them, had always esteemed as their own. It was made a serious accusation against Britain that she employed savages in civilized warfare; and yet the Administration did and had done the same. The supporters of the President and the war at this time also quoted, as if it were a genuine document,—and vehemently asserted the trustworthiness and truth of it too,—what purports to be an invoice and description of scalps of men, women, children, and children unborn as well, forwarded to the British authorities in Canada, in fulfilment of a most detestable and murderous contract entered into with them by some Indian tribe, to the prejudice of the United States, during the Revolutionary war;—and all the while they knew it was a purely fictitious thing, written by Benjamin Franklin, for the purpose of inflaming, by that not very honourable means, the flagging hatred of the Americans against Great Britain, at some period of that memorable struggle.

That the policy of the Democratic party underwent a rough and sudden change now, we have already said; and we may note the fact here in passing, as another instance of what we are now illustrating; for having by ridicule, by charges of treason, and every species of traduction, ousted the Federalists from power; and instead of their proposed navy for the protection of the American seas and coasts, intrusted the defence of the harbours to here and there a gun-boat, turned bottom upwards, under a shed, with a sentry to keep his eye upon it,—the gallant ships themselves being laid up in dry docks and covered from the weather, or else sold,—and all for the sake of economy, and the promotion of the wealth of the nation;—they now revived the Federalists' policy respecting a navy, and as if the notion was their own, set about realizing it, with the acclaim of the self-same men who before had praised the dry-dock and gun-boat scheme to the very skies!

How extraordinary and entire a want of the smallest military experience, except in the case of Monroe,—who had come to be called “Colonel,” perhaps because he tried on one occasion during the war, but in vain, to raise a regiment,—characterized this Administration, which longed so for war with Britain, but

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“Letting I dare not wait upon I would,  
Like the poor cat i’ the adage,”

had to be forced to a decision by men of greater resolution, and by an argument which did not illustrate their heroism in any sort; may be learned from the fact that Madison had made up his mind to appoint Henry Clay, whose soldiering had been confined to a few duels, Major-general! We cannot learn Clay’s opinion of this project, but there is reason to conclude, that hotly though he pressed the demand for war upon the President, “he preferred the House of Representatives” to the battle-field;—and not so unwisely. Henry Dearborn was therefore exalted to that post of peril, or responsibility.

And other contradictions of a like nature we shall meet with, all through the story of the war, which, though they do not exalt our opinions of the statesmen of the United States at this time, will hugely increase our wonder at the progress actually made, under such guidance. The first step taken in this strangely undertaken war, however, can hardly be surpassed.

The invasion of Canada, as we have said, was to be the “opening” of the war; and it was planned, that “the first move” should be made at the very extremity of the province, by an inroad from Michigan Territory, to be followed up by a movement on the Niagara frontier. Canada was then but sparsely populated, especially in the interior, and the forces there were necessarily not numerous. The military strength of the province was disposed at various posts along the frontier line and the coast, nearer to the Atlantic. It would be the height of unwisdom to imitate the arrangements of the enemy, or to undertake an invasion without making such provisions as should prevent defeat from all causes that could be foreseen; nevertheless, that was precisely the course adopted by the Administration.

General Hull, (raised to that rank for the purpose,) governor of the Michigan Territory, was charged to cross the boundary stream at Detroit, and to wrest Upper Canada from the British. To him the undertaking appeared desperate, except he had at least three thousand reliable men in his command; the British force on the Lakes being kept in check, if it could not be overpowered. Not so to the Department of War. With the Lakes in the hands of the enemy, and for a base of operations, the scattered settlements of his Territory, Detroit separated from its next neighbour (of any importance) by some two hundred miles of mere forest, crossed by little better than “blazed traces;”—and with less than two thousand hastily raised and perfectly raw troops, most incompletely armed and provided also, forth must he fare, and do what he could. So admirably too did the government support him, and aid in the construction and carrying out of his plans of operation, that the British commander in that quarter received intelligence of the declaration of



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A. D. 1812. of War before he did; in consequence of which, the military and other stores of his little army, being forwarded to Detroit, and all in a single boat, fell into the enemy's hands.

Undauntedly, however, this "forlorn hope" of the war, on the 12th of July, entered Canada, and occupied Sandwich, a petty village opposite; whence Hull emitted with becoming spirit, and with more than becoming grandeur of style, a proclamation to the inhabitants of the province. He had come to set all who desired liberty, free from the tyrannical dominion of Great Britain, and he would charge himself with their protection; but he would exterminate the British forces, if they employed Indians in the war; his force was sufficient to break down all opposition, and it was but the forerunner of a much greater one. For perhaps the British might not be alarmed by the two thousand volunteers and militia, who, as to discipline and equipment, were certainly not a very formidable host.

"It *appeared* to be his purpose to attack Malden, and thence proceed to Montreal," says one historian; but truly, he might as well have written the name of any other place belonging to Great Britain lying eastward of Sandwich, say London itself, as Montreal. For instead of attacking Malden (he was repulsed in an attempt to approach it even) or liberating revolted Canada, the unfortunate general waited and hoped for one knows not well what. For a whole month he remained inactive, not doing a thing to justify either the invitations or the menaces of his proclamation; so that whatever ardour had fired his troops was cooled greatly, and (as our historian observes,) "distrust and contempt expelled confidence and attachment [they had given few signs of either,] from the hearts of the Canadians."

Events, as usual, did not wait. First, in order and importance alike, came the capture of Mackinaw, or Michilimackinac, a fort on an island between Lake Huron and Lake Michigan, most insufficiently garrisoned, although it was destined to keep in check the Indians on the larger lakes; and not informed of the commencement of hostilities, until the enemy appeared before it both by land and water, in such strength as to make resistance impossible. Whereupon, "panic-struck," Hull (on the 8th of August) hastened back to Detroit; and the invasion of the Upper province was self-defeated. But the blow recoiled upon the invader; for whilst he remained inactive at Sandwich, the British at Malden (or Amherstburg) were reinforced, and General Brock, Governor of Upper Canada, put himself at their head. The *employés* of the Fur Company were pressed into the service, not unwillingly. Tecumseh, whom we saw, by the help of William Wells, at Fort Wayne, in the preceding month, going over to the British, when he found nothing left him but revenge for the defeat of the magnificent plans he had formed of a renewed empire of red men in the West,—Tecumseh was despatched into the United States territory, to occupy the forest-wilderness south of Detroit, and cut off all communications from its garrison.

At the river Raisin, Tecumseh met and stopped a company of Ohio volunteers, under Captain Brush, who were hastening with supplies to join

Hull,—in Canada as they expected. Brush, finding the woods filled with Indians, contrived by means of a scout to send a message to Hull, who despatched Major Vanhorne with a hundred and fifty or two hundred men, to open the road, and escort the reinforcement and supplies to Detroit. But falling into an Indian ambush, they were routed by less than half their number, and scarcely a hundred made their way back to the fort, the rest being killed, or dispersed. The Indians also captured Hull's despatches, which were sent to Brock, and showed him the desponding condition of the recently boastful invaders.

News reached Hull very soon afterwards, which showed him that assistance must not be hoped for from the other commander on the Canadian frontier, and that he was likely to have yet more numerous forces to contend with; so he resolved upon one more desperate attempt to restore his communications with Ohio, and for that purpose directed Lieutenant-Colonel Miller, with six hundred men, to proceed to the Raisin, and to clear the woods of the savages there. But simultaneously with this movement, General Proctor on the side of the enemy had crossed over with all his force, some four or five hundred strong, to press the advantages gained by Tecumseh in that quarter.

At Brown's Town, or Maguago, about fourteen miles from Detroit, they found the Indians and the British strongly posted; but they gallantly advanced to the attack, or were as gallantly attacked, (for the accounts of the combat vary considerably,) and though they carried the enemy's position, and inflicted such loss upon him, (as it was believed, but this is doubtful,) that he recrossed to Malden soon afterwards, their own loss and discomfiture were so great that the detachment returned on the second day, without effecting its object. They gained, said poor Hull, in a letter to Eustis, nothing but honour, and that at a cost of seventy-five lives.

Nor was a fresh attempt, headed by Colonels M'Arthur and Cass, of Ohio, to accomplish the same design by a route further to the west, at all more successful; for the men lost their way in the trackless forest, and could not contrive either to pass or to round a morass; and therefore, having consumed all their stores, could only go back to Detroit, whither they had been summoned to return, (but the messengers were intercepted by the Indians,) and where they arrived too late.

And now General Brock had reached Amherstburg; accompanied—for he had called upon the Canadians, by a counter-proclamation to Hull's, to join him, reminding them of the prosperity and freedom they had enjoyed under the rule of Great Britain, (and we must not forget that the staple of the population of this part of the province were American refugee loyalists of the Revolutionary times, and their descendants,)—by a small but resolute force of militia. He recalled the expedition from the Raisin river, and on the second day after reaching Malden, the 15th of August, he erected batteries on the bank of the river opposite Detroit, and summoned Hull to surrender.

Before this crisis, this hardly-bested commander had evinced such alarm

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"On the 16th, the British troops began to cross the river to the American side, about three miles below the town, under cover of the two ships of war. Having landed, they commenced their march towards the fort. Besides the fourth regiment of regular troops stationed in the fort, it was protected by the Ohio volunteers, and a part of the Michigan militia placed behind the pickets, where the whole flank of the British would have been exposed to their fire. The remainder of the militia was stationed in the town of Detroit for the purpose of resisting the desultory attacks of the savages. Two four-pounders, loaded with grape, were planted on an eminence, ready to sweep the advancing columns. M'Arthur and Cass, on their return from the expedition on which they had been ordered, had arrived within view of Detroit, and were ready to attack the enemy in the rear. [This, however, must be taken with some qualification; Hull, perhaps, or his council of war, had planned so;—for the recall had not reached them, and not knowing their commander's actual straits, they did not return till the next day.] There was every reason to anticipate a victory, and the troops were eagerly expecting the commencement of the battle.

"When the British columns were within five hundred yards of the American line, General Hull ordered the troops to retire into the fort, and the artillery not to fire. A white flag was then hoisted, and a British officer rode up to inquire the cause. A communication was opened between the commanding generals, which speedily terminated in a capitulation. The fortress of Detroit, with the garrison and munitions of war, was surrendered. The detachment under Cass and M'Arthur, and even the troops at the river Raisin, were included in the capitulation. Captain Brush, however, [whom we are sorry to find still in the uncomfortable position we first met with him in,] not considering himself bound by Hull's engagement, on being commanded to surrender, broke up his camp, and retreated towards Ohio. The Canadians who had joined Hull, or accepted his protection, were abandoned to their fate, and many of them were subsequently executed as traitors.

"Every circumstance which could heighten the disgrace of a surrender, was found in the present instance. Hull did not even call a council of his officers. His only object seems to have been to escape from the Indian scalping knife. When he had first entered Canada, the British had at Malden but one hundred regular troops, four hundred Canadian militia, and a few hundred Indians. After General Brock's arrival, their whole force was three hundred and thirty regulars, four hundred militia, and six hundred Indians. The army surrendered by General Hull amounted to two thousand five hundred men, of whom twelve hundred were militia."

These numbers, we may observe, are the extreme numbers on both sides;



and no mention is made of above thirty pieces of cannon, which were given up to the British, who had but five of their own, and those not of large calibre. Brock made a difference in his treatment between the different component parts of Hull's force; the regulars and volunteers he made "prisoners of war;" but the militia, as presumably not there of their own consent, he enlarged on their parole. M'Arthur and Cass, with their detachment, arrived in a half-starving condition, just in time to hear of the surrender, and they hoped to escape; but hunger forced them to comply with the terms of the capitulation.

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The rage of the "Red Sticks" can be imagined, but no description could do justice to it. Not one of them for a moment considered the insurmountable obstacles to success, with which Hull, by circumstances and the Administration, had been literally hedged in. And it was so much more easy to blame him, especially as he was absent, than themselves or their leaders, or the head of the Department and the President, for this disgraceful failure. Of his trial we will speak subsequently. In our narrative we have endeavoured to represent but fairly all that those who did not blame, as well as what those who were infuriated against him, insisted upon most earnestly.

"Hull was conquered at Mackinaw," says Ingersoll, "if not before his march began, heralded by pompous and threatening proclamation. *The government was not blameless for his miserable failure, perhaps the republic.* War for the first time in thirty years; a Presidential election pending when it was declared; Congress fearful of their popularity; the Executive, much of it lukewarm, if not averse to hostilities; all cherishing more hopes of peace than of war; no military genius, habits, or organization, no taxes, short funds, extreme and culpable inefficiency, if not downright negligence in the first steps of warfare, were ill-starred premises, on which an unfortunate leader might lay some of the reproach."

Of Hull himself the same writer remarks,—“Hemmed in on every side, cut off from all resource, his force wasting with disappointment, and disease, and death; he was not the man for an emergency requiring the best courage and fortitude. A man of another mould, full of resolution and resource, might have triumphed over the time-serving negligence of his own government, and the bold resistance of an enemy who could not fail to perceive that he had a feeble and dismayed antagonist to deal with.” When the vanquished general sent to the Secretary of War official tidings of his disaster, he magnanimously “assumed the whole responsibility of the surrender. The brave officers, he said, and men he commanded, would have fought till their last cartridge was exhausted, and every bayonet worn to the socket.” But this was all that remained to redeem his memory from utter detestation: for although not every failure in war is unpardonable, and the surrender of an army even may be forgiven, a capitulation like this of Hull, at the very outset of a war brought on as this had been, can never be excused, as the story of his trial will further show us.

The people of the North-west had a much more justifiable ground of hatred

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of "Hull's treason," as his surrender was designated; for their frontier was by means of it pushed back so far, as to bring them into very uncomfortable proximity to the enemy, and they saw, to their intense mortification and disgust, the Indians, who had been so hardly kept from outbreaks and rebellion, taking advantage of their reverses, and in spite of all promises and threats, joining in the war, with the hope of wresting from them some of those tracts which had been at such expense added to the possessions of the United States. The old Indiana general, Harrison, was put at the head of a force of volunteers, who flocked to his standard from Ohio and Kentucky in such numbers, that only a part of them were received and organized for the defence of the Union, and the recovery of the region that had been lost.

General Winchester was appointed, by the authorities at Washington, to the command in this quarter; and Harrison, although a stranger, gave place to him, and persuaded the troops to receive him, whilst he did not cease to exert himself for the public good there; but planned an attack for the recovery of Detroit; and very soon he was nominated commander of the North-western army in the room of Winchester. General Hopkins was also employed here, and hopes were entertained of retrieving Hull's mistake before winter. But the spirit of volunteers, which enables them to do many things which regular troops would not attempt, is never to be relied upon for patient and continuous action. It is always, of necessity, in a state of exaltation bordering on mutiny, or inanimate and inefficient. This was the case with the volunteers of the North-western army, and in consequence, after a few trifling successes over the Indians, nothing of note was accomplished before the end of the campaign.

For the invasion of Canada, it will be remembered, we said that other forces were destined beside the scanty and undisciplined forces under Hull; and that these were to attempt to enter the British province below the lakes. General Dearborn, the commander-in-chief, was at the head of the army of the North, and General Van Rensselaer of the army of the centre.

Before any movement was made by these generals, Foster, the British ambassador, who (by the rapid and unexpected manœuvre of the war-party) found himself at Washington with the threads of an "unclosed negotiation" in his hands, at the very time when the declaration of war was published; and who had hastened to Halifax on his way home; heard there of the revocation of the "Orders in Council," and believing, after what he had seen in his dealings with the Administration, that *they* were the only or principal ground for the hostile feeling of the Americans, counselled the governor-general of Canada to propose an armistice to General Dearborn. This was accepted at once, and hopes of preventing the continuance of the war were high again.

For Madison had despatched to the United States' minister at London, by Foster himself, an authorization to conclude an armistice with the British government, on condition of the repeal of the "Orders," the discontinuance of impressments, and the restoration of the impressed citizens of the

United States ; and to offer to prevent the possibility of disputes respecting deserters, by prohibiting the engagement of British seamen in any American ship. These matters were to be settled in detail by negotiation, for which the armistice would afford an opportunity. Or even, if the government at London would not expressly stipulate these things, the enemy was authorized to agree to the armistice, upon a "tacit understanding" to the same effect.

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We may observe here, that when these proposals were actually made to the British government, matters had advanced so far, that nothing but actual negotiations could be admitted respecting them ; and Russell had received no authority to enter into a treaty respecting them. There had been sent out also, by Admiral Warren,—so the minister with whom Russell communicated informed him,—proposals to conclude an armistice, as the "Orders" had been repealed, to give room to negotiate respecting the other debated questions. The impressed seamen, of whose American citizenship little or no doubt existed, above two thousand in number, were, when the war really began, assigned to Dartmoor prison, and other depôts for prisoners of war.

To return. Notwithstanding the proposal for an armistice intrusted to Russell by Madison, this provisionally concluded armistice between Sir George Prevost and General Dearborn was disavowed by the Administration ; with whom also Foster had directly communicated respecting it. The reasons for the disavowal have too plainly the air of mere pretexts, and real ground is most manifest behind them. Hull's invasion of Canada having ended so disastrously, and the realization of the other two projects not having been attempted ; the apparent relinquishment of the war would have brought the President into collision with his political supporters, upon whose adherence he was now relying for success in his election for another term of office,—the canvass for which was at this very time proceeding. And the successes which had attended the efforts of the new policy of the war-party at sea, would have inflamed their expectation of a speedy and complete triumph too greatly to allow them to perceive the prudence or wisdom of a suspension of hostilities at this moment.

By all these means it was made most clearly manifest that the "Orders in Council" had been only in pretence, as we have repeatedly said, the ground of the war. And the reiterated assurances that, if they were revoked, an end would be put to the disagreements and disputes which were continually interrupting the intercourse between the United States and Great Britain, were demonstrated to be without foundation. The disaffection of the Federalists of New England could not fail to be increased in consequence of this disclosure ; which justified all that they had declared respecting the preliminary measures of the Administration, although it did not discountenance the war-party, who thus unmasked their real designs.

Nor was this the only matter in the war, which showed how entirely contradictory the allegations of the United States' government concerning the reasons for the war, and their real policy, were. Great Britain gave liberty to American vessels in the harbours of the United Kingdom, when the tidings



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Great Britain also did not issue "letters of marque" until it was certain that all attempts to prevent the prosecution of hostilities, and to suspend the war upon the impressment question alone, as if a war *could* settle such a point in international relations,—not, in fact, till the very end of this autumn, and the first campaign was as good as over. Nor did she cease through the whole war to afford "protections" to United States' ships chartered for the conveyance of flour to Spain,—a branch of trade profitable in the extreme to America, and useful to Britain, whose armies in the Peninsula were thus in part supplied. But Congress declared this trade contraband, and pursued it by fine and confiscation, in the hopes of putting it down!

These things could not fail to exasperate the feelings of the peace party in New England, already excited to a high pitch of indignation by the removal of the United States' troops "from the Atlantic coast, in order to march them to the frontiers of Canada," thus leaving, as they said, "the inhabitants for several hundred miles upon the coast, exposed to the horrors of invasion; [which] could not in the nature of things reconcile them to a war, which they originally considered unnecessary and extremely impolitic."

No less indignation had been roused against the Administration in New England, by the manner in which the provisions of the Constitution regarding the militia had been openly contravened, and the sovereignty of the States, as far as the command and control of their civic soldiery implied it, had been set at nought, by the very parties who had most loudly proclaimed themselves its defenders. "Within the first month of the war," says Sullivan, "an *unconstitutional* demand was made on the governors of Massachusetts and Connecticut for militia, even before the news of this astonishing measure could have reached the British Isles, and three months before there was the slightest probability that the United States could be invaded. This demand proved to be in prosecution of the design to invade and conquer Canada with militia!"

Governor Strong and Governor Griswold gained great glory by refusing obedience to this illegal demand, and they were sustained in their resistance to the general government by the Supreme Court of Massachusetts at the time, and by the best interpreters of the Constitution ever since. The occasion did not justify the demand; nor was it in accordance with the instrument of government, to put the militia under the command of the officers of the regular army, by the trick of calling forth the soldiers only, and in small numbers at a time, without their own officers. "If the New England States," says Dwight, "had given up their militia at the requisition of the President of the United States, and in a total disregard of the Federal Constitution, a

precedent would have been established, that might, and one day or other in all probability would, have proved fatal to the liberties of the country." CHAP.  
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For the purpose, further, of connecting this chapter with that in the foregoing Book, devoted to the North-eastern States, we give the following quotation from Dwight's "History of the Hartford Convention," which will show the extent of the disorganization of the Union in this quarter of it, at the times we are now speaking of; and then we can resume the general narrative of the war. A. D. 1812.

"In July, 1812, the governor of Massachusetts issued a general order to the militia of that State, in which, after some preliminary remarks on the state of the country, and directing that the detachment of ten thousand men should be completed without delay,—it is added,—that as that body of men, being to be raised throughout the State, could not be assembled to repel a sudden invasion, and it would be extremely burdensome to keep them constantly in service, and if they were assembled they would not be adequate to the defence of the exposed points of a coast of several hundred miles in extent,—it was ordered that the officers of the whole militia of the State hold themselves, and the militia under their command, in constant readiness to assemble and march to any part or parts of the State." And now we return to the operations on the Canadian frontier.

Van Rensselaer's head-quarters were at Lewistown, on the river Niagara, and on the opposite bank stood Queenstown, a fortified British post. Some six thousand men were under his command there; and both commander and men were made exceedingly impatient for the fight, by the success of those forays and border skirmishes, which under similar circumstances are sure to occur; especially where, by the employment of militia in offensive war, the distinction between regular warfare and mere brigandage is not clearly preserved. The incidents we refer to, were the interception of the supplies for the British posts, effected by various parties stationed along the frontier river; the repulse of the British from Ogdensburgh, where some of these captives were taken; but more particularly the capture and carrying off of a small vessel, named the *Caledonia*, from under the guns of a British fort on Lake Erie, by Lieutenant Elliot.

Accordingly General Van Rensselaer (whose position here was rather remarkable, for he was one of the Opposition party,—which has led some to suspect an election *ruse* in his appointment,) determined to seize upon Queenstown if he could, and get a footing in Canada. It seems to have been an ill-contrived attempt, and blunderingly carried out. The general has the credit of having neglected to invite the co-operation of General Alexander Smythe, who lay at Buffalo, lest he should eclipse a kinsman of his own, Colonel Solomon Van Rensselaer, and his men should outshine the New York militia by the brilliancy of their feats of arms and daring. The most prodigious mistakes were made in the management of the boats for carrying the expedition across the stream; and one attempt failed utterly, from that cause alone.

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On the 13th of October, however, about thirteen hundred men were sent across, in various parties, and at considerable intervals, the first party setting out in a furious storm, and getting separated into two in passing over, and the commanders actually exchanging their men, in consequence. Colonel Van Rensselaer and Colonel Chrystie were in this predicament; and the former was severely wounded very soon after landing; but the British general, Brock, lost his life, as he cheered on the grenadiers of the forty-ninth, to the defence of the works, which were attacked by Captains Ogilvie and Wood. Discouraged by the fall of their leader, the British fell back, and the position was lost. It seemed as if victory would crown the arms of the United States on this day. But General Sheaffe, who succeeded Brock in command, now brought up from Fort St. George a strong reinforcement, consisting in part of Canadian militia, and partly of regulars. Attacking the Americans in front and on one flank with these troops and artillery, and menacing them on the other by the Indians under the chief named Norton, the aspect of affairs speedily changed, and the triumph was torn from those who thought the day their own.

Whilst great numbers of the militia were on the American side of the river, waiting for the means of crossing, the general, with admirable want of judgment, contrived to dishearten them by allowing them to see the horrid spectacle of the wounded and dying, who were brought back from the scene of combat; and they refused to go into the fight. Van Rensselaer had gone over with General Wadsworth and one party, and hearing of the misconduct of the militia, he returned, leaving Wadsworth in command. But not all the oratory he was master of, nor that of some of their own officers, with Judge Peck to aid them, could persuade the "miscreant militia," as Ingersoll styles them, to second him, and follow up the advantage won by their companions in arms, before Sheaffe and his reinforcements could arrive, and take part in the action. By the most disastrously *mal-à-propos* exercise of their civic and sovereign privileges, they urged "*constitutional objections to extra-territorial service!*" And so, as General Armstrong said,—fifteen hundred able-bodied men, well armed and equipped, shortly before swelling with prowess and untameable spirit, now "put on the mask of lawfulness, to hide their cowardice." It was a terrible retribution for the vain-glorious exclusion of Smythe's regulars. All that the unhappy general could do, was "send a supply of ammunition to Wadsworth, with a message leaving it to him to resist or retreat, as he chose."

"Wadsworth," as Ingersoll relates, "could do neither. Surrender, nearly unconditional, was all he could do, or get for his troops, who from before day-break in the morning till late in the afternoon had been constantly engaged. They did not yield at once, without a sharp conflict, however; but panic seized some of the militia, and complete rout soon took place instead of orderly retreat,—a movement beyond the discipline of unpractised troops. Rushing to the shore and finding no boats, many brave men had no alternative but to surrender on the enemy's terms. An armistice of three days, however, was arranged, and the Americans were humanely treated."



Ingersoll speaks of "a terrible slaughter by Indians, whom it was impossible to restrain;" but two hundred was the full tale of those who fell, the British themselves losing about seventy; and therefore, although "Chrystie, an Englishman," is cited as the authority for it, we must beg permission to disbelieve the correctness of the statement. The Indians no doubt did play their part in the battle, as they usually did; and they did also suffer in this instance; for Lieutenant-Colonel Scott, and Lieutenant Roach, contrived to cross with two pieces of artillery, as volunteers from Buffalo, "although ordered back," and did execution amongst the savages, as they were falling upon the militia, at the time of Sheaffe's advance.

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Nine hundred prisoners were taken by the British on this occasion, including Wadsworth and Scott; and one gun and two colours also fell into their hands. In a few days Van Rensselaer resigned the command. "This battle of Queenstown added another to numerous proofs, that undisciplined valour, though the basis of all martial success, is unavailing without energetic commanders capable of enforcing obedience, a virtue as indispensable as valour to insure victory. Without obedience in the soldier, and energy in the commander, an army is but a mob."

Upon General Smythe the command, thus laid down by Van Rensselaer, devolved; who, although forbidden to imitate his predecessor, was determined to signalize himself amongst the notables of this campaign of failures. The disaster at Detroit had impressed upon the government the need of securing the naval control of the lake; and the gallant achievement of Elliot, before referred to, had incited the officers on the spot to devote their attention to this branch of the national armament. In consequence, before the appearance of winter, the Americans "augmented their fleet on Lake Ontario to such a degree, that the British flotilla was unable to face it, which gave them the entire command of the lake."

And now, resolved to show the world how it was that Van Rensselaer had failed at Queenstown, but unhappily imitating Hull's first step, General Smythe issued a proclamation, as pompous as that panic-stricken invader had inaugurated his misfortunes by; and (as if to make assurance doubly sure,) even followed it up by a second in the same vein. These calls were certainly addressed to "the men of New York," and not to oppressed Canadians, and instead of producing almost no effect, they brought to Smythe's standard between four and five thousand men. Yet, in the end they produced a failure more absurd, though not so calamitous, as that of the commander of Detroit. "Early in the morning of the 28th of November, accordingly, General Smythe commenced the invasion of Upper Canada, by crossing the St. Lawrence between Chippewa and Fort Erie, with about five hundred men."

They made good their landing, carried the British batteries by storm; and then, just as with Van Rensselaer's attempt, "the enemy came upon them from distant stations," and Smythe did no more to reinforce them than the militia did in the former case; and the adventurers who had begun so gal-

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lantly, were in part overpowered and killed or made prisoners, and in part driven back into the territory of the United States. The whole affair was, in fact, managed as clumsily by the regular officer, as it had been by the militia-men. Colonel Boerstler wholly failed in cutting off the enemy's communications; General Porter of the New York volunteers, "with two thousand men, ready and eager for action," was half-way across the river, and was then recalled by Smythe! A council of war (facetiously so called) was held, and the completion of the invasion was postponed for a few days! On the 1st of December, (which was the latest of several days that had been fixed,) the troops received orders to be in readiness to pass the river, and they were all at their posts. The volunteers set out, General Porter in the leading boat, with a flag to indicate his position; fifteen hundred men were found willing to make the attempt, in spite of all the ill omens. But before the other bank could be reached, another council of war was held, and the general recalled the expedition, ordered the volunteers to return home, and the regulars into winter quarters, Canada remaining intact.

General Porter posted Smythe in the newspapers as a coward; and this truly unfortunate (and something more,) officer, "never tried but in the public journals and by common opinion, was actually driven away to be no more heard of, mobbed by the militia and the populace, not without strenuous vindication by himself and others in the newspapers, but without favours or further employment." Porter and Smythe got up a duel out of this newspaper squabble, and exchanged shots and compliments; whereat Ingersoll says, "The public would have preferred a battle in Canada;"—undoubtedly.

Beside these affairs, there were several others, "slight eruptions of combat," as Ingersoll with characteristic classicality designates them, "and border outbreaks hardly worth mentioning." Colonel Pike burned a block-house here; Captain Lyon there captured forty English with baggage, despatches, and a stand of colours; and there, again, "the enemy captured a couple of our officers, with some forty men and four boats."

But "the crowning act of our military misdeeds that year,—absurd end of all,—was Dearborn's,—the feeblest of all the attempts at invading Canada." "It was General Dearborn's misfortune to have an army to form; an inexperienced, not over-ardent Executive, a Secretary of War constrained to resign; a Senate inclined to distrust the Executive; Congress withholding taxes and supplies for near twelve months after war was declared; waiting upon a Presidential election; [which was, however, not the fault of Congress, but of the President, who dared not to jeopardize his re-election by proposing the taxes that were needful for carrying on the war he had begun;] disaffected States,—Dearborn's own State, Massachusetts, at the head of disaffection; a country destitute of military means and men, unaccustomed to restraints, and impatient for exploit."

He had the largest discretion in respect of the *materiel* of war, and had under him more than three thousand regular troops; two thousand Vermont, and one thousand New York militia on Lake Champlain. And opposed to

him were, as General Armstrong insisted, not three thousand men altogether, who had to protect nine hundred miles of frontier. And after due council of war, on the 20th of November, Dearborn was to enter Canada, and achieve some deed of daring, to redeem the military character of the United States. Duane,—he of “the Aurora,” and, like Dearborn, one of Jefferson’s adherents,—gave due preliminary flourish in his newspaper, to celebrate the coming triumph.

By some means, the British commander, three days before, heard that the invasion was about to take place; and on the 20th, in the morning, one of the regiments sent forward to meet them, actually came upon the invaders. “A confused and incomprehensible skirmish ensued, in which each party’s object seemed to be to get away from the other, till the Americans, in the dark, mistaking themselves for enemies, began to fire on each other, killed four or five, and wounded as many, *of themselves*, and then returned, leaving their dead behind,—which Indians would never have done. Where Generals Dearborn, Chandler, and Bloomfield were during this wretched foray, did not then appear, nor can now be told. On no occasion did General Dearborn ever lead his troops into action.”

“On this occasion, again, the militia were infected by the leprosy of constitutional right,—to refuse orders to wage war as its appointed chiefs ordain. Of the three thousand militia who marched with Dearborn for Canada, nearly all refused to cross the line; including a company who advanced with Colonel Pike, [who led the invading host,] but halted at the very border.” One solitary success made the absurdity of this failure the greater, a British post in an Indian village was surprised, and the men made prisoners; also, for want of a more authentic trophy, the Indian agent’s flag was exhibited as a British flag, taken on the occasion. After these feats in arms, the troops were led back to winter-quarters, to sickness, and to “military idleness, the worst form of that worst of all distempers.”

Such was the campaign of 1812, the grand project of conquering Canada, and forcing from Great Britain,—we do not quite know what, for she had rescinded her “Orders in Council,” was ready to negotiate respecting impressments, and the President asked only a “tacit understanding” on that point, the Chesapeake affair was compensated for, and vengeance had been exacted of the Little Belt for it; unless it was a share of her empire of the seas;—this grand project had issued thus in three or four of the most ludicrous reverses which ever befell a nation that deemed itself great. But the events of the war were not all gloomy; at sea, the arms of the United States were crowned with several most unexpected successes, and though these victories were not of the most honourable or illustrious class, they were victories, and the only ones that this year could boast.

The first naval action of the war, was the fruitless chase of the *Belvidera*, 36, by the President, 44, on the 23rd of June. The British frigate was sole convoy to a large fleet of West India merchantmen, on their way home. Rodgers, who commanded the President, had with him besides the United



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States, 44, Congress, 38, the *Hornet*, 18, and *Argus*, 16; all of which joined in the chase, though the President played the chief part, and received all the blows. This chase was rather a running fight, and it was maintained for a whole day; the *Belvidera* losing twenty-two men killed and wounded, and the President as many, sixteen of whom suffered by the bursting of a gun. "The result," says Alison, "was favourable to the British, as the American squadron failed in taking the single English frigate, and the whole merchantmen escaped untouched. After a cruise of seventy days, the American squadron returned to port, having captured only seven merchantmen in that time, although they fell upon the British commerce when wholly unaware of impending hostilities."

Early in July, when the enemy had despatched a squadron into the American waters, the *Nautilus*, 14, leaving New York for the purpose of cruising in the track of the English Indiamen, fell in with the squadron of war-ships and was chased, her gallant commander doing every thing he could to escape, but unavailingly; she therefore struck without a conflict, to the *Shannon*; and this was the first vessel of war captured on either side. The next success was on the side of the United States.

The *Constitution*, 44, Captain Hull, was the victor in this affair; and she had just returned from Europe, where she narrowly escaped an overhauling from the English cruisers, on the pretence of looking for deserters. Proceeding to the north from the Chesapeake river, for the purpose of joining the squadron of Commodore Rodgers, she fell in with the British squadron, and for four days was chased by all the vessels composing it, the *Africa*, 64, taking the lead. Few such chases have ever occurred in the history of naval warfare, and seldom, if ever, has a vessel escaped from such odds, by dint of seamanship alone. Now towed by boats, and now forced along by hauling at a kedge anchor carried out near half a mile a-head, and let go; using every breath of air that blew fitfully; the *Constitution* contrived to distance her pursuers, who resorted to the same means, but without coming up to the object of their endeavours. Once and again it seemed as if she must fall into the hands of one or another of her keen enemies; but ever some sudden breeze sprang up, and preserved her. At length, on the fourth day, the wind freshened sufficiently for the American to prove her superior fleetness; and whilst all the five frigates were on the same tack, and under clouds of canvass, from the truck to the water, the *Constitution* slowly drew a-head of her pursuers; and in fine a heavy squall in the evening carried her completely out of view. This was the first act in the triumphant naval pageant now enacted in the American seas.

We may just notice, in passing, the capture of the *Alert*, 20, by the *Essex*, 32. The latter vessel, after a daring attempt upon a convoy of transports, one of which, having on board a hundred and fifty soldiers, she captured, was sailing under the disguise of a merchantman, and was attacked by the gallant little British ship. But the *Essex* unexpectedly opened upon her so tremendous a fire, that the crew deserted their quarters and ran below, and in

eight minutes the *Alert* struck. The victory was not such as to cause any surprise, as beside the greater number of guns, those of the *Essex* were thirty-two pounders, whilst those of the *Alert* were but eighteens.

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On the 19th of August, the "second act" was played. In the afternoon of this day, the *Constitution* descried a British frigate, which, when approached, showed herself ready and willing for the combat. After a running fight, the vessels closed, and the mizen-mast of the stranger went by the board; nevertheless, both parties, as the vessels fouled, prepared to board, which was prevented on both sides, by a tremendous fire of musketry, and the heavy sea. The *Constitution*, therefore, got clear, and at the same instant the fore-mast and main-mast of the enemy fell, leaving her a helpless wreck. Having refitted, in about half an hour she took up a favourable position for raking, when a jack which had been kept flying on the stump of the mizen-mast of the British vessel, was lowered. She proved to be the *Guerriere*, 38, Captain Dacres; and she was in so crippled a condition, that Captain Hull took the crew on board the *Constitution*, and set fire to his prize, which blew up in a quarter of an hour. Seventy-nine men were killed or wounded on the *Guerriere*, but only fourteen of the *Constitution's* crew were disabled. The American vessel had prodigiously the advantage in the number of her crew, the weight of her broadside, and her tonnage; and it would have argued gross incapability in her commander, if he had suffered himself to be beaten. "Captain Dacres lost no professional reputation by his defeat. He had handled his ship in a manner to win the applause of his enemies, fought her gallantly, and only submitted when further resistance would have been as culpable as, in fact, it was impossible.

"It is not easy," says Cooper, "at this distant day, to convey to the reader the full force of the moral impression created in America by this victory of one frigate over another. So deep had been the effect produced on the public mind by the constant accounts of the successes of the English over their enemies at sea, that the opinion, already mentioned, of their invincibility on that element generally prevailed; and it had been publicly predicted, that before the contest had continued six months, British sloops of war would lie alongside of American frigates with impunity."

"Hardly had the English recovered from the shock of this unwonted naval disaster, when other blows of the same description succeeded each other with stunning rapidity." Thus does Sir Archibald Alison prelude the story of the subsequent naval disasters of Britain, which we will now relate with all desirable completeness and brevity.

On the night of the 16th of October, the British sloop of war, *Frolic*, 18, convoying six merchant ships, had the ill luck to fall in with the American sloop *Wasp*, also 18; but surpassing the *Frolic* in the number of her men, and also in her tonnage. British historians say the *Wasp* had the advantage in weight of metal; which Americans not only deny, but ascribe to the *Frolic* an excess of four guns above the number borne by the *Wasp*. It is remarkable that, in respect of every one of these combats, great differences as to

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— II. between the accounts given by the two parties. History becomes a matter  
A. D. 1812. of no small difficulty, having such raw material of contradictions supplied concerning things almost of the passing time. Nevertheless the general issue and tendency of events, which is after all *the test of historical truth*, this does by no means deceive or mislead us, as will be seen when we have reached the issue of this naval struggle between the old sea-rulers and their revolted offspring.

The crew of the Frolic were busy repairing their rigging, which had been damaged in a gale on the preceding day, the main-yard was on the deck, and the vessel was changed, in effect, into "a half-rigged brig." She shortened sail as the Wasp approached, with the manifest intention of covering her convoy and giving battle; and without any manœuvring, the vessels ranged alongside of each other, and the battle began. The British fired much more rapidly than the Americans, and at first it seemed with the greatest effect, for the main-topmast and mizen-top-gallant-mast of the latter were shot down, and the vessels ran foul of each other, the fight continuing when they were so close that in loading some of the Wasp's guns, the rammers hit the bows of her antagonist. The Americans in fouling had fallen so as to rake the Frolic, and the consequences speedily appeared when the boarders sprang on her deck, for there was not a man to offer any resistance, the dead and wounded alone were seen. Not a hand was at his station but the man at the wheel.

Seventy of the Frolic's crew at least were killed or wounded; she had been hulled at almost every discharge; and both her masts fell, when the Wasp cleared herself from her. The Wasp was much damaged in her rigging, but her spars and hull had received in comparison little damage. Five only were killed and five wounded on board of her.

This victory caused greater exultation in the United States than others of greater intrinsic importance, because the force on both sides was more nearly equal; and the credit of the success, in consequence, the greater. It did undoubtedly very effectually dissipate the notion of British invincibility at sea: but the most valuable result, was the testimony afforded to the superiority of cool and scientific gunnery in naval combat. Sea-fights had been for the most part decided by mere animal courage and brute force. The only science shown had been in the handling of the ships, and the manœuvring of the fleets. The Americans, not neglecting this department of strategics, *took aim* when they discharged their guns, and decided these engagements not less by not aimlessly squandering their shot, than by the superiority of their force in every instance. No amount of courage, backed mainly by noise and smoke, —and artillery badly aimed, or not aimed at all, is no more, —could stand against the heavy metal, flying true to its mark, of the American guns. The lesson thus terribly impressed on the British, thanks to one of the junior officers in their Atlantic fleet, Lieutenant (since Admiral) Chads, was not thrown away.



Nothing but the glory of this victory, however, remained to the United States, for a few hours after the action, the Poitiers, 74, hove in sight, recaptured the Frolic, and made the Wasp also a prisoner, by a summons merely.

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But it was soon made up to them. For, on the 25th of October, Commodore Decatur, in the frigate, United States, 44, having captured, a few days before, the British packet, Swallow, with a large amount of specie, fell in with the Macedonian, 38, and a combat at once commenced, the vessels passing and repassing each other for about an hour, when the mizen-mast of the British frigate fell, and the vessel became almost unmanageable, from the fearful injuries she had received. The heavier metal and more numerous guns of the United States, told fearfully against her antagonist, and the superior number of her crew gave her the advantage in manœuvring. At this period, the United States stood athwart the bows of the Macedonian, and passed out of shot without firing a gun; and her antagonist's crew, supposing she had given up the fight, set a union-jack in the main-rigging, and gave three cheers. But it was only to refill her cartridges, and she soon came back, and took up a raking position across the stern of her defenceless foe;—whereupon the Macedonian struck. She had thirty-six killed and sixty-eight wounded, and had received nearly a hundred shot in her hull; whilst the United States had lost but twelve killed and wounded, and suffered surprisingly little, considering the length of the cannonade.

The Argus, 16, under Captain Sinclair, which had set out on a cruise at the same time as the United States, was very successful in making prizes; and was chased for three days and as many moonlight nights, by a squadron of the enemy; and not only escaped, but actually took and manned a prize during the chase! The capture of the Vixen, 14, by the British ship Southampton, 32, requires little notice.

One more naval victory is recorded in this year. The Constitution, 44, Commodore Bainbridge, on December the 28th, met with the Java, 38, and maintained with her for about forty minutes a contest, in which seamanship more than gunnery or courage was conspicuous. The English captain then resolved to attempt to board his antagonist, and ran down on the Constitution's quarter for that purpose. But before this could be accomplished, the fore-mast fell with a tremendous crash, the main-top-mast came down, the head of the bowsprit was shot away, and the captain fell, mortally wounded. Lieutenant Chads, who took the command, carried on the fight; but after the American commodore had passed out of the combat, for the purpose of refitting, and returned, he found his vessel a complete wreck, and struck. Finding it impossible to save their prize, after removing the crew, the captors blew it up.

A hundred and twenty-four, killed and wounded, were said by the British to have been lost on board the Java; but Bainbridge reckoned their loss as much higher. Thirty-four alone suffered, in both ways, on board the American ship. "Although there was more manœuvring than common, the Java

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A. D. 1812. had been literally picked to pieces by shot, spar following spar until she had not one left. Her fore-mast was first cut away near the cat-harpings, and afterwards by a double-headed shot, about five and twenty feet from the deck. The main-topmast went early, and the main-mast fell after the Constitution hauled off. The mizen-mast was shot out of the ship, a few feet from the deck, and the bowsprit near the cap. Her hull was also greatly injured." On the other hand, Cooper assures us,—“The Constitution did not lose a spar! \* \* \* An eighteen-pound shot passed through the mizen-mast; the fore-mast was slightly wounded, and the main-mast was untouched. The main-topmast was also slightly wounded, a few other spars were hit, without being carried away: the running rigging was a good deal cut, several shrouds were parted, and the ship received a few round shot in her hull.” This was the British Admiral Chads’ first lesson!

Nothing else worthy of particular mention occurred during the year 1812, for the unaccepted challenge sent by the captain of the Hornet to the commander of the Bonne Citoyenne, was deemed by many contrary to the rules of the service; and the one prize made by the Essex was recaptured, though not till the specie she carried was appropriated, and, to make assurance doubly sure, spent on account of the government. And of the other matters relating to the war now, the question of privateers only requires notice.

How the British had acted in respect of granting letters of marque has been said. We must, on the other hand, say, that the practice of privateering had been denounced by Jefferson, and that the general feeling of the New Englanders, who were the most considerable ship-owners, was adverse to it. Homage has now been done to this maintenance of a new principle in the law of nations, by the adoption of it in the recently commenced European war [1854]. Nevertheless, Americans, and New Englanders too of Democratic sentiments, did fit out privateers, and many prizes were made also; and Jefferson lived to cast another doubt upon his sincerity and truthfulness, by addressing to Monroe, on new year’s day, 1815, the following atrocious counsels.

“Privateers will find their own men and money. Let nothing be spared to encourage them. They are the dagger which strikes at the heart of the enemy, their commerce. \* \* \* Encourage them to burn their prizes, [This was taking a leaf out of the French privateers’ books: they burnt their American prizes in many instances, anticipating the certain judgment of the courts.] and let the public pay for them. [This was Jefferson’s own.] They will cheat us enormously. No matter, they will make the merchants of England feel and squeal, and cry out for peace.”

Above five hundred prizes were made by privateers and cruisers in the first seven months of the war, but that number includes several American vessels which were captured and condemned by the Americans themselves,—for sailing with British licences!

Enough has been said of the proposals for an armistice, made first by Madison himself, but rejected when they came from the other side;—and this, not only when made by the governor-general of Canada, and Foster, but also

when Admiral Warren brought them direct from the government at home. And on the latter occasion the rejection was professedly grounded on the inability of Warren to treat with the United States' government, concerning the proposals it had forwarded to England to Russell! And such were the attempts made by both parties to this contest, to carry on or to renew negotiations, with a view to peace; attempts that on the American side could not but fail, from the circumstances, and the form, in which they were made;—but which showed, that the struggle could not be a very long one, inasmuch as it arose from none of those causes which touch the hearts and fire the consciences of nations.

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### CHAPTER III.

CAMPAIGN OF 1813.—THE WAR IN THE NORTH.—HARRISON'S SUCCESSES.—REVERSES.—PERRY'S VICTORY ON LAKE ERIE.—COAST WARFARE.—EMBARGO.—NEGOTIATIONS AGAIN VAINLY ATTEMPTED.—THE MEDIATION OF RUSSIA.

MADISON, when he opened Congress on the 4th of November, 1812,—not having heard of the most signal of those disasters which marked the whole of the campaign on land; nor yet of the most striking of the successes at sea, the worth of which was exaggerated by all parties; by the war-party, to hide the shame of their failures in the invasion of Canada; and by their opponents, because they always said that it was by sea that the United States ought always to be victorious;—at that time Madison, in his Message, bent all his endeavours to prevent the Legislators from despairing concerning the war he had induced them to declare; or from suspecting that history could do other than commend the spirit which had originated hostilities.

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“The situation of our country,” said he, “is not without its difficulties, though it abounds in animating considerations. \* \* With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing, that the war in which we are actually engaged, is a war neither of ambition nor of vain-glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was, finally, not declared, until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were re-



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iterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence, would not be revoked;—nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk under such circumstances from manly resistance, would have been a degradation \* \* \* [and therefore] war was chosen. *The nation felt the necessity of it, and called for it.*"

In this last sentence, which we have emphasized, lies the only historic truth the passage contains, and even it is but unconsciously true. Our readers can judge of the real character of the remainder; and the facts that the election for President was just coming on, and that Madison had set his heart upon being chosen for a second term, will satisfactorily (and yet how *unsatisfactorily*?) explain the reason for such statements, and such a colouring being given to events, on an occasion when the purest and most unveiled truth would alone have been becoming.

The practical suggestions of the Message in the most remarkable manner betray the peculiar circumstances under which it was sent. They are all vague and general, and carefully avoid committing the candidate for the Presidency to any course likely to be displeasing to the manifold constituency he had appealed to. It is amusing to observe a recommendation to increase the number of "the general officers of the army;" for not even the British army itself was so well furnished with titular commanders, as was the army of the United States, in proportion to its magnitude, at this time. But it was of course to be expected, that newly appointed generals would, from mere common-place gratitude, be more sedulous in their devotion to the Administration, than those who owed it nothing but the acknowledgment due for impracticable tasks and the command of men who would not obey.

The Message also calls for the reorganization of the militia, and for some more stringent measures to repress the use of British licences; which it stigmatized as "corrupt and perfidious intercourse with the enemy," if not "treason." And yet it congratulated Congress on the receipt of "the duties on the late unexpected importations of British manufactures;" which surely was a sort of misprision of "treason."

Congress, animated by the same spirit as the President,—for a new election of Representatives was also drawing near,—for the most part avoided the questions which might compromise its popularity, and render its members distasteful to their various constituencies. The session extended to the 3rd of March, 1813; and laws were passed for the more effective organization of the army, for its increase, and for the provision of the means requisite for the prosecution of the war. Authority was given for the construction of four ships of the line, six frigates, and six sloops of war. And by one Act, vaccination was encouraged generally amongst the people, with a view to prevent the ravages of that frightful disease, the small pox, in the army. But it was not until the result of the Presidential election was known, that the financial measures of the government were submitted to Congress, and (as

we have related in the preceding Book) one law passed providing for a loan of sixteen millions of dollars, and another for the issue of five millions' worth of Treasury notes, by which the whole amount of the debts incurred by this Congress for the prosecution of hostilities, without the imposition of a single additional tax, as a provision for its redemption, was raised to thirty-seven millions of dollars.

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Amongst the other laws, made by Congress during this session, was one prohibiting the employment of any seamen, other than the citizens of the United States, or native persons of colour, on board the public and private armed vessels of the United States, after the close of the war. And this was said to be meant as a tender of "the olive-branch" to Great Britain, and to induce the British government to come to some arrangement respecting the impressment of seamen. But considering the great facilities for naturalization, which Jefferson had introduced into American legislation, it was an extremely illusory concession to the demands of the mother country; and one not calculated to lead to such a settlement of the impressment question, as the American government, or rather the Democratic party, demanded. Although the naturalization of foreign seamen was, by one clause of the Act, in words at least, almost prohibited.

One other Bill gave the President the power of retaliation for any injury inflicted on the United States, by the British or their Indian allies, in violation of the usages of civilized warfare; a permission not required, since, as matter of fact, such retaliation was always practised, and sometimes in anticipation of the injury; whilst the formal allowance could act only as a provocation to the commission of such outrages.

For other transactions of this session we may refer to the first chapter in the preceding Book, in which the domestic enactments of the Legislature are treated of. And in the same place will be found a sufficient account of the ministerial changes effected at this time, which exercised so great an influence on the conduct of the war.

During this session of Congress there were published two documents, one by the American, and one by the British government, both bearing upon the war, and serving very powerfully to illustrate the views and the spirit of the belligerent parties. To these we must now make some reference. From the former, however, we shall not be able to learn much that is new; it will be only the authentication of the statements we have made, and the opinions we have indicated, in the former part of this section of our history. The document we refer to, is "the Report of the Committee on Foreign Relations relative to the Causes of War with Great Britain."

At the outset of this paper, to our astonishment, we find that the committee deemed it "*unnecessary to recite the causes which produced the war!*" The one purpose for which they were selected, they did not consider it needful to consider; and instead, therefore, of a calm, well-reasoned statement of the valid and indisputable grounds for appealing to the sword, we have a paragraph of mere declamation, such as would not have been out of place in a

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speech at a contested election, but is miserably so in a state-paper on the relations of the nation with a belligerent state.

This proceeding further discloses to us the fact we have insisted on with so much urgency, that, from the beginning, war with Britain was determined on, and declared, without any very clear notion of what pretext, or what object, should be assigned for it. And, accordingly, the Report commences its references to facts, *after* the declaration of war, and says,—“Such a view, the committee is persuaded, will show distinctly the existing ground of controversy between the two nations, and the indispensable obligation on the United States to maintain it.” So that the whole document is in brief this,—We have managed to get war declared, now therefore let us fight it out.

No allusion is made to the production of the spurious decree of Napoleon's, repealing definitively his Berlin and Milan Decrees, as far as they bore upon the United States; though that was the reason for the revocation of the “Orders in Council,”—the recall of which is here represented as being quite uncaused; and moreover as “conditional,” without any explanation of the kind of condition appended to the recall, which was merely that if the United States' government did not rescind the Non-importation Act, which we know was said to be grounded upon the maintenance of the Orders in Council, the revocation of them should be null. It is admitted nevertheless, that this measure “removed a great obstacle to accommodation.”

“The other” obstacle, it proceeds, “only remained,—the practice of impressment.” And upon this alone the obligation to carry on the war is rested. The proposals sent to England by Foster to be offered by Russell to the British government, are assumed as the basis of the whole negotiations; and the armistices proposed by Foster, and by the British government through Admiral Warren, are explained in such a manner, and put in such a light, as to seem rather designed as hinderances to the settlement of the matter, than as intended in good faith to lead to an arrangement.

It then discusses this impressment question, as “that alone which prevented an armistice, and in all probability an accommodation.” But the discussion is carried on in so declamatory a style, that the real design of the “Report” is seen to be rather the return of a majority of the war-party in the next election, than the record of a national decision upon a point of the most intense interest in its relations to other nations. And in consequence, (which is most lamentable,) instead of being able to take a position before the other states of the civilized world, in dignity commensurate with the real grandeur of the international principles upheld,—instead of putting Great Britain “into the wrong,” as she undoubtedly was, and has since acknowledged that she was, for keeping up this barbarous and tyrannical custom of impressment, at home even, by which she proclaimed herself *not* to be what she boasted,—a free country;—throwing away these advantages, the United States' Legislature was content to become the mouthpiece of mere party views for mere party purposes, and to let all the world see that it had gone to war not only without adequate preparation, but without any satisfactory *casus belli*, and



that it pledged itself to prosecute it, *because*—"Our resources are abundant; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant navy bespeaks our growing greatness on that element; and that of our troops, when led to action, [which exception was introduced, evidently, to make the defeats on the Canadian frontier prove the capability of the mixed regular, militia, and volunteer forces of the States for victory;] inspires full confidence of what may be expected from them when their organization is complete. Our Union is always most strong when menaced by foreign dangers, [as the "disaffection" of New England, at this very time, indisputably demonstrated;] the people of America are never so much one family, as when their liberties are invaded."

The other document was a few days earlier in date, and presents as complete a contrast to it in spirit and style, as can well be imagined. Confined to statements of fact, or of practically-avowed opinion, without any tinge of declamatory rhetoric, clear, calm, dignified,—it might have been regarded as sent forth for the especial purpose of using the occasion furnished by the American "Report" to steal a triumph in the arena of diplomatic literature, and casting a slur upon the richest fruitage that had then appeared of American statesmanship.

Very wisely, the ground taken throughout, but in many places rather implied than expressed, and in no part of the paper obtrusively exhibited, was that which (unhappily) facts too well justified,—the partiality of the United States' Administrations for France and its governments and measures. To this the rupture of amicable relations, to this the protracted struggle without war, and to this the war between Great Britain and its vigorous offspring, were charged. The weak points of the declaration of war were exposed. The maritime policy of Napoleon, to which the United States opposed nothing but formal and unmeaning protests, (in reality, it must have appeared to Britain, adopting it,) was spoken of as one thing against which the war was being waged. The impressment question, here also, was represented as the only "existing" ground of quarrel; but the right to apprehend deserters was made the foundation for the enforcement of this offensive claim; and the readiness of the United States to shelter and protect runaways from the service of their country, was put forward, with too great an appearance of truth, as the main reason for a practice which England herself was sick of, and against which she could have found it in her heart to rebel. And it concluded by solemnly claiming for Great Britain the praise of being the last refuge of freedom,—as indeed, at that time she was,—and by flinging upon the United States (or more strictly, upon the Democratic war-party) the odium of being partisans and abettors of the tyranny which had trampled down and destroyed the liberties of the whole of Europe, excepting what had been enshrined in the British Isles.

One passage of this "Manifesto" reproached the United States for ungenerous conduct towards Spain, which was at that time in the closest alliance with Britain. It might have been remembered, that Spain had not

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A. P. 1813. merited especially generous treatment, by the line of its policy towards the United States; but, on the other hand, the position assumed by the great American republic was illustrated by the seizure of Western Florida, and its annexation to the Union, under the pretext that it formed part of Louisiana, and was therefore included in the purchase effected by Jefferson in 1803;—or by the proceedings of Georgia against East Florida, which the President (for form's sake) had to hush down, although he neither could nor cared to prevent the border forays, which were got up on purpose to provoke a national war;—which could not be justified. Some reference to these affairs must be made when we speak of the Seminole war; the narrative we have given of the Creek wars, will in part explain the reason for the marked notice of this filibustering, in the British vindication of the war.

Before we speak of any of the military or naval transactions of the year, we must refer to the second Inaugural Address of President Madison, delivered on the 4th of March, in this year, 1813. Brief beyond all precedent, this state-paper is likewise, beyond all precedent, valueless for historical purposes. Its chief use is to prove that the "Report" we have lately spoken of, presented not the results of any impartial investigation by men of probity and intelligence, for that purpose selected, but a mere statement and vindication of the foregone conclusion of a political party, whose views were rendered so much the more emphatic and precise, by the opposition of so important a part of the Union as the New England States. These impressions are enhanced by the consideration that Madison was actually unwilling to go to the length of war with Britain, and that nothing but the tyrannous resolve of the war-party to force him to commence hostilities, or to elect another in his stead as President, wrung from him the Message recommending the declaration of war. And the feeling with which we regard the President, who could so far derogate from the dignity of his office and station, and carry out the work of Jefferson by surrendering a second branch of the government, the Executive itself, to the disposition of the majority;—the feeling, though akin to pity, is much more closely related to contempt.

The old and thrice-repeated charges against the British government were reproduced in this remarkable document, with a simplicity or boldness that has seldom been equalled. Let us cite one paragraph by way of illustration. "They," the British, "have not," it says, "it is true, taken into their own hands the hatchet and the knife, [and we may observe that, after seeing the American volunteers actually using the scalping knife upon the "savages," at Tippecanoe, this might be in fact a commendation of the British, who never evinced any appetite for such barbarous trophies as the scalps of their enemies, notwithstanding Benjamin Franklin's fictitious inventory, demonstrating the contrary; no, they have not been] devoted to indiscriminate massacre; but they have let loose the savages armed with these cruel instruments; [and so have we, by Act of Congress, I myself approving it, Madison might have added;] have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the

blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives.

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"And, what was never before seen, British commanders have extorted victory over the unconquerable valour of our troops, by presenting to the sympathy of their chief, awaiting massacre from their savage associates." After much consideration, we conclude that this is meant to explain Hull's surrender at Detroit. And if so, surely the President must have forgotten himself woefully. "Unconquerable valour" truly; and so was that of the militia at Queenstown fight, which never was under fire, and *therefore* was never conquered. The sovereignty of the people must not be interpreted in so extended a sense as to include "facts" amongst its subjects, if the American embodiment of it is to serve as an example to the European states.

How this Address cites the proposal for an Armistice forwarded to England by Foster, in proof of the reluctance of the Administration to commence war, and says nothing to the counter-proposals of the British envoy and government, can, after this, be imagined. But it would not be imagined that we should find in such a document, the *real* ground of the war so plainly stated as it is in the following sentences, which we disentangle from a declamatory paragraph upon impressment, wherein, as usual, the anti-commercial President glorifies the seamen as "an important class of citizens, whose occupations give the proper value to those of every other class."

"On the issue of the war," says this paragraph, is "staked *our national sovereignty on the high seas.*" And,—"*Not to contend for such a stake, is to surrender our equality with the other powers, on an element common to all.*"

Pondering which sentences, we lose sight of Madison and his paltry party tactics, and see nothing but the magnificent audacity, prophetic of so much to the world at large, which claims for some "seventeen cruising vessels," "of which nine are of a class less than frigates," *equality* "on the high seas," with a power whose flag had been victoriously borne in every quarter of the world, by above a thousand ships of war! And which presumed upon the capture of three British frigates by American vessels considerably superior to them in guns, metal, and crews, and of one British sloop by an American sloop, not exceeding it by more than a fourth in tonnage and crew, and by less in guns and metal;—which presumed upon victories like these, as a vindication of that claim! Yet this *was* the real object of the war,—if it had any specific object; and such was the practical prediction of the future of the United States.

First, both in order of time, and in importance, of the military undertakings of this second year of the war, come the operations in the North; which were animated not only by the original desire to act upon Britain through Canada, but now also by a burning determination to retrieve or to revenge the disasters of the preceding campaign. We left Harrison preparing for an advance, which should not prove like those of the "unconquerable" heroes under Hull, and Van Rensselaer, Wadsworth, and Smythe, and Dearborn, but should teach the British the real worth of such citizen-soldiers as the



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By dint of great efforts, and by means of some manœuvring, as we intimated in the last Chapter, a considerable force was raised in Kentucky and the adjoining States, but principally in Kentucky; and placed under the command of General Harrison, who was commissioned by the governor of Kentucky in a higher grade than the general appointed by the Federal Government, Winchester, who was not popular amongst the back-woodsmen, as Harrison was. This we learn, with some comfort, was effected by Henry Clay, whose skill in devising compromises might almost entitle him to be considered the type American statesman of this time.

Unable to effect any thing before the end of 1812, with the very beginning of 1813 Harrison put his troops in motion. Winchester was sent to take possession of the tract about the Rapids of the Miami, or Maumee, which had been vainly attacked by General Tupper two months before. And he effected this, although he had to march through a deep snow; dispersing the Indians who had taken posts there, and making all needful provisions, such as the collection of corn from the Indians' fields near, (without payment, of course, the owners having fled, but not being the less exasperated at the plunder on that account,) and the erection of a storehouse, &c. Whilst thus engaged, information was brought him from Frenchtown of the straits to which the inhabitants were reduced by the Canadians and Indians in the British service, who were ready to occupy the place; and they feared a massacre would ensue. And a council of officers having been called, it was determined to send a detachment sufficiently strong to defeat the enemy at that place.

Six hundred and sixty men were therefore detached, under the command of Colonels Lewis and Allen, who set out on the morning of the 17th of January; and their movements being quickened by the intelligence that Colonel Elliot was expected from Malden, on his way to attack the camp at the Rapids, marching partly on the ice of Miami Bay, and the border of Lake Erie, and driving back the Indians whom they met in the woods; about three o'clock on the next afternoon, they fell upon the enemy, consisting of about five hundred men, four hundred being Indians, and after a smart engagement which lasted till it was dark, drove them out of Frenchtown, and pursued them for two miles beyond it; returning then in good order with a loss of twelve killed and fifty-five wounded, they encamped before the town.

The proximity of Frenchtown to Malden, from which it could be reached on the ice, rendered the position of Lewis and Allen one of great danger, and as soon as the tidings of their success reached the Falls, "a complete ferment" was produced in the camp. "All were anxious to proceed to Frenchtown in support of the advanced corps," says M'Afee, in his "History of the Western War;" but Ingersoll seems rather to deserve credit, when he states, that the triumph of Lewis' soldiers "inspired their comrades under Winchester to almost invidious eagerness for further conflict." "Not

a man under [Winchester's] command could be restrained from rushing forward to join Lewis, renew his triumphs, and share his glory. General Winchester was well disposed to lead them." Instead of recalling them with genuine strategical foresight, the commander suffered himself to be hurried away by the passion for combat, which always characterizes raw unproved troops, and with two hundred and fifty men, on the evening of the 19th, marched to Frenchtown.

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Lewis had posted his force in a place where they were defended by garden pickets, "sufficiently close and strong to protect his men against an attack of small arms." "But little precaution was taken to prevent a surprise." The general did little to increase the security of the detachment. He "named" to Colonel Wells, "but did not positively order, a breastwork for the protection of his camp." He established his own quarters "in a house on the south side of the river, about three hundred yards from the lines!" On the 21st, a place was selected for the whole detachment to encamp in good order, with a determination to fortify it on the next day. About sunset, Colonel Wells solicited and obtained leave to return to the Rapids. Certain information had been received, that the British were preparing to make an attack; and that they would make it with the utmost despatch in their power, was a matter of course. Colonel Wells reached the Rapids that night, at which place General Harrison [to whom Winchester on starting for Frenchtown had sent for reinforcements, and to inform him of his movements,] had arrived on the 20th, and had made every exertion in his power to hasten the reinforcements.

After Wells' departure a Frenchman from the neighbourhood of Malden came to General Winchester, with information that a large force of British and Indians were on the point of setting out from that place. There could be no doubt that their destination was Frenchtown. But, as M'Affee observes, it "must have been discredited alike by the officers and men, for no preparations were made by the one, nor apprehensions exhibited by the other. The most fatal security prevailed, many of the troops even wandered about the town till late in the night. Colonel Lewis and Major Madison alone seemed to be on the alert; they cautioned their men to be prepared at all times for an attack."

We may, in passing, remark that the characteristic of such forces as these, which is here displayed, differences all warfare in America, as carried on by the United States, from that of Europe in modern times. Only in the middle ages, and during the palmy days of the feudal system, do we find commanders placed by their troops in dilemmas which somewhat resemble the difficulties against which Washington in the former war, and all the generals in this war, contended—and most frequently in vain. At this very time Harrison was in great trouble, because the term of service for the best of the troops under him had expired, and he did not well know how to persuade them not to strike tent and march home. He had been in correspondence with General Winchester respecting the possibility of raising from amongst

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the Kentuckians one regiment "to serve six months longer; and at the same time suggested, that it would be imprudent to employ them on any other condition in the expedition against Malden." Winchester in reply averred that he did not expect to be able to retain any of them in service after their term had expired. It is the same element which is displayed in the total disregard of their commander's orders, both in refusing to advance, as at Queenstown, and in rushing off impetuously, as on this occasion, to Frenchtown;—and we are not told that any court-martial was held upon the former instance of combined disobedience and cowardice. Other illustrations of this feature of civic soldiery generally will occur as we proceed with our narrative; and perhaps we shall be led to the conclusion, that driven to rely upon this force solely, the true military policy of a genuine republic can be *defensive* alone; and that just in proportion as the spirit of aggression—whether disguised by the designation of defensive war, or undisguised, as the lust of annexation—requires the predominance in the conduct of affairs, it has to depart from its ideal, and to resort to means and measures incongruous with its essential nature.

"Guards were placed out," M'Afee's relation proceeds, "this night as usual; but *as it was extremely cold, no picket guard was placed on the road, on which the enemy was to be expected.* The night passed away without any alarm, and the *reveille* began to beat at daybreak on the morning of the 22nd. A few minutes afterwards, three guns were fired in quick succession by the sentinels. The troops were instantly formed, and the British opened a heavy fire on the camp from several pieces of artillery, loaded with bombs, balls, and grape-shot, at the distance of three hundred yards. This was quickly followed by a charge made by the British regulars, and by a general fire of small arms; and the Indian yell on the right and left. The British had approached in the night with the most profound silence, and stationed their cannon behind a small ravine which ran across the open fields on the right."

The detachment, whose position was to be fortified on the morrow, was driven back, and in spite of the efforts of their officers, of Colonels Lewis and Allen, and of General Winchester, (when he reached the field,) to rally them, in spite of the assistance of two companies sent from the cover of the pickets, routed utterly; and after a retreat of three miles, through the deep snow, wholly destroyed or made prisoners. Winchester and Lewis were in the latter case; Colonel Allen was shot by an Indian whilst he paused, exhausted by a wound received in a flight he had used his utmost to prevent; Captain Simpson, over whom Ingersoll lavishes his sympathy, for he was "six feet six inches tall," and a "member elect" from Kentucky, was shot and tomahawked at the edge of the woods. The Indians "gathered round his body where it lay, to admire its gigantic proportions."

Proctor, who commanded the British, had suffered severely in his attack upon the pickets, but when he found that Winchester was captured, he at once resolved to use the advantage afforded him by his prize, ("basely," as



M'Affee says, who is naturally indignant at the British for possessing such an advantage,) and "to procure the surrender of the party in the picketing." He, therefore, "assured General Winchester, that if the remainder of the Americans would immediately surrender, they should be protected from massacre; but otherwise he would set fire to the village, and would not be responsible for the conduct of the savages." Such is the American account in brief; and thereupon it says, "intimidated by this threat," Winchester "sent an order to the troops to surrender, which they obeyed." The unfortunate general had lost, it appears, three hundred men; and five hundred men, with thirty-two officers, capitulated at his bidding.

"Colonel Proctor, leaving the wounded without a guard, marched back immediately to Malden. The Indians accompanied them a few miles, but returned early the next morning. Deeds of horror followed. The wounded officers were dragged from the houses, killed and scalped in the streets; the buildings were set on fire; some who attempted to escape were forced back into the flames, others were put to death by the tomahawk, and left shockingly mangled in the highway." This is the account given by Hale and Frost, and it may be taken as agreeing with the facts as far as so general a statement can. Ingersoll says, "The Wyandot Indians, who were the principal perpetrators of the butchery, were considerably advanced in civilization, many of them tolerably educated, most of them professing the Christian religion, to which their progenitors had probably been converted by French missionaries." Christie's narrative of this transaction, deposes that this massacre of the wounded prisoners was effected "in spite of the British"—a statement which the writers of the war party strongly object to and deny, appealing to the restraint which the American commanders exercised over their Indian allies; but forgetting that the hold which the British had upon the Indians who fought on their side was very different from that of their own government, in whose suzerainty the lands of the aborigines was included; and also that the Indians who fought at the Raisin had a quarrel of their own to settle, the original dispute which Tecumseh and Elskwatowa took up, and to which the defeat at Tippecanoe had but added new desire of vengeance.

We have followed the American story in our relation, but we must observe that the "General Order" issued by the commander-in-chief of the British forces in Canada, presents a very different view of the matter; and in effect alleges that the main body at Frenchtown, after the flight of Winchester's own detachment, were attacked in the houses, from the windows of which they had galled the British troops, and "finding further resistance unavailing, they surrendered themselves at discretion." It also praises the "galantry" of Proctor, as displayed "in his humane and unwearied exertions, which succeeded in rescuing the vanquished from the revenge of the Indian warriors." Knowing the tendency of the United States' soldiers and historians, we can but allow that this statement deserves to be taken into consideration in forming our conclusions respecting the facts of this case; respect-

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ing which, unhappily, as in so many other instances, great doubt exists as to what they actually were.

But, whatever they were, there can be no doubt that the results of this collision with the enemy "clothed Kentucky and Ohio in mourning;" nor yet that it roused the indignation of these States to a far higher pitch than it had ever before attained. The whole Union shared in these feelings, and whilst all agreed in reprobating the victorious foe,—Congress even passing that Act we have spoken of, authorizing reprisals,—the various cliques and parties blamed, some Winchester, and some Harrison, whilst others pointed to this new and more unexpected disaster as demonstrating the unrighteousness and folly of the war altogether.

In the mean time Harrison, who reached the camp at the Rapids on the 20th, as we have said, and who had left orders to his troops at Sandusky to follow him with all speed, when the tidings of the affair at the Raisin reached him, fell back behind the Portage river, fearing to be himself attacked. But very soon he advanced again, and constructed a strong-hold at the Rapids, on the right bank of the river, which, in honour of the governor of Ohio, he named Camp Meigs. All the vicissitudes of hope and fear, respecting supplies, reinforcements, roads, &c., which the biographer of the general, for whose work (undigested though it is) we are heartily thankful, has affectionately recorded, we must leave to be pictured by our readers for themselves. They must also conceive his troubles arising from the expiration of the term of service for which the gallant Kentucky troops had enlisted; and how (anxious to avail himself of the short period which remained before the Ohio troops, and the brigades from Pennsylvania and Virginia, should depart,) he planned an attack upon the enemy's vessels at Malden, which "there is little doubt," so Moses Dawson says, "would have been completely successful," had it not—(in fact, like so many others of those schemes on the northern frontier,) failed.

Before we proceed with this part of our story, we must notice here a few incidents of minor interest extrinsically, and of various moment as to their real importance, but all possessing both interest and importance in relation to the design of this work. And first we will speak of events on the frontier of Lower Canada.

Here, says Hale, as the St. Lawrence only divided the opposing forces, "frequent conflicts" occurred. "In the winter, small detachments were often sent across from Canada for the purpose of apprehending deserters. They found and arrested several, and, being in an enemy's country, committed depredations upon the houses and other property of the inhabitants. In the beginning of February, Major Forsythe, who commanded at Ogdensburg, retaliated by conducting a force of about two hundred men into Canada, and attacking Elizabethtown. He surprised the guard, took more than fifty prisoners, released from confinement sixteen deserters, [we are glad he did not claim them as "patriots" and "citizens,"] and returned without the loss of a man, bringing with him public property, [in such a case fair

spoil, whatever might be done with it, by all the usages and laws of war ;] of considerable value. Soon after, movements in Canada indicated that an attack on Ogdensburgh was intended, and a small number of militia was called out to defend it. On the 21st, the place was attacked by ten or twelve hundred men, a much larger force than was expected. A brave resistance was made ; but the enemy obtained possession, and destroyed or carried away public and private property of great value. The loss of the Americans, in killed and wounded, was about twenty ; a large number of the enemy suffered from the sure and steady aim of Forsythe's riflemen."

Our readers will be amused and instructed (on the principle of *audi alteram partem*) by a purely British version of the last-named exploit, which we can offer in a very few words from the great work of Sir Archibald Alison.

"Shortly after, [namely, the affair at the river Raisin,] Colonel M'Donnell, with two companies of the Glengarry Fencibles, and two of the 8th, [foot regiment,] converted a feigned attack, which he was ordered to make on Fort Ogdensburgh, into a real one. The assault was made under circumstances of the utmost difficulty : deep snow impeded the assailants at every step, and the American marksmen, from behind their defences, kept up a very heavy fire ; but the gallantry of the British overcame every obstacle, and the fort was carried, with eleven guns, all its stores, and two armed schooners in the harbour."

In this same month of February, "General Harrison received the appointment of Major-general in the army of the United States. He had hitherto acted under the Kentucky commission, which he had received when he first took the field. The delay of this appointment, [it is Moses Dawson whom we quote,] had created much uneasiness in the Western country, and an intimation having been made, that it was the intention of the general to resign at the close of the campaign, meetings were held in various places, and addresses sent, as well to the President, requesting him to confer the rank of Major-general on General Harrison, as to the latter, requesting him to accept it." About the same time, also, General John Armstrong was appointed Secretary of the War Department.

General Wilkinson, whom we saw as a soldier of fortune, or "one of Heaven's Swiss," (as such men have been called,) when Burr set about making his Theodosia Queen of Mexico,—he and two others participated in Harrison's honours now. The first-named commander was still at New Orleans, and on being appointed to the rank just named, he commenced the fortification and defence of New Orleans, which he could readily see was sure to be an object of attack, as soon as the war should begin in good earnest. Tennessee was called upon for volunteers for the defence of "the crescent city ;" and in the midst of a snow-storm, some fifteen hundred foot-soldiers, and enough horse almost to make up two thousand, rendezvoused at Nashville ; the infantry under General Jackson, (whom we have heard of before, and whom now we meet, after a disappointment he had received in regard to a commission he had repeatedly sought in the regular army ;) and General Coffee being at the head of the horse.



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Scarcely had Jackson with his volunteers descended the Ohio and Mississippi, through cold and ice, as far as Natchez, when he received an order from the new Secretary at War, requiring him to disband his men there and then; and to give up every article of public property in his possession to General Wilkinson. For, not only had "the clouds of war in that quarter blown over," but the Administration purposed to rid themselves of the services of the militia, (about which two States of New England had been well-nigh driven to rebellion in the preceding year,) who had undoubtedly reflected no great credit on the nation by their conduct in more than one engagement, and subjected the country to great expense for little or no advantage.

A hundred and fifty men under Jackson's command happened at this very time to be sick, and "the consequence of a strict compliance with the Secretary's order would have been, [or say only *might* have been,] that many of the sick must have perished; while most of the others, from their destitute condition, would (of necessity) have been compelled to enlist in the regular army under General Wilkinson." Thus, at any rate, Jackson thought. There can be no doubt that he was a considerate commander, the attachment of his troops demonstrates this; but something more, as we see, even in the opinion of his biographer, is needful to explain his flat disobedience to the Secretary of War, who, as head of a Department of State, represented the authority of the Executive. We may therefore remark that these soldiers were voters all, and Jackson was not a man to undervalue them on that account; he had also recently experienced a rebuff from the government, when he applied to it for a commission in the regular army. He was himself a man of most imperious temper, and so little accustomed to regard the opinions of others, as to drive his own coffles of home born and bred slaves down to New Orleans to market; a staunch democrat, and a most uncompromising partisan of the war: so he chose his course, and in spite of all opposition, warnings from Wilkinson, fear and intrigues amongst his subordinate officers, and recruiting officers amongst his men,—he marched back to Nashville, transporting the sick the whole distance in waggons, and then disbanded his Tennessee volunteers.

"It was at a time of the year," we are told, "when the roads were bad, and the swamps lying in their passage, deep and full; yet the general placed before his troops an example of patience under hardships, that lulled to silence all complaints, and won to him, still stronger than before, the esteem and respect of every one. On arriving at Nashville, he communicated to the United States the course he had pursued, and the reasons that had induced it. His conduct was in the end approved, and the expenses incurred directed to be paid by the government." That is to say, after due consideration, the Administration felt that they dare not inflict upon such a mutineer condign punishment; and he was not a Federalist, and therefore what he did could not injure the Union. But it was a proceeding not calculated to impress any person with an exalted opinion of Madison personally, nor with the belief

that the Federal Constitution could never be overthrown; neither did it afterwards justify hopes for good, when the contumacious general was raised to the Presidential chair.

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We ought not to pass by entirely without notice, Armstrong's excellent device for shelving superannuated officers, and settling the militia question at the same time. After the example afforded by the military organization of the country during the Revolutionary war, the whole Union was divided into nine districts, over which officers of the regular army were set. And it was quite easy to assign to districts calling for the exercise of no special skill and courage, such as had proved their gross incompetence on the northern frontier; whilst the possibility of any contention respecting precedence and command between the regular officers and those of the States' militia was precluded, by the actual presence in each district of a regular officer of the highest military rank, to whom therefore precedence and command, of right, belonged. Other changes were made at the same time, which ought to have grieved Jefferson, for they multiplied offices beyond all example; but which did not grieve him, so far as we know,—most likely because they enabled Madison and his followers to carry out their schemes of government.

During the spring of this year, as was related in the last volume, Wilkinson contrived to clutch the fort at Mobile; and the territory to which Jefferson always laid claim, under the Louisiana purchase, as far as the Perdido being thus secured, the designs against Eastern Florida were given up for a season.

General Dearborn was still in command on Lake Champlain, and Commodore Chauncey was directed to co-operate with him in the attack of various places upon the shores of the smaller lakes, by the possession of which the communications of the enemy could be effectually interrupted. Great exertions had been made to build and equip such a squadron in those inland waters, as should enable the commanders to cope with the British; and in the spring of this year Chauncey had under him two sloops and eleven schooners, manned with crews who regarded themselves as possessed of all the prestige, which once they had ascribed to the British navy.

On the 25th of April, with sixteen hundred picked troops on board, Chauncey sailed from Sackett's Harbour, for Kingston as was supposed. But instead of landing them at that place, on the 27th, he carried them to York, (or rather Toronto,) the capital of Upper Canada. Sheaffe commanded the British forces there, but he could only collect seven hundred regulars and militia, and a hundred Indians. With these he endeavoured to prevent the landing, and maintained a stout though ineffectual resistance; until being beaten back by numbers through the woods and thickets, (in the course of which, we are told, the grenadiers of the 8th regiment lost more than half their numbers,) he took refuge behind the works of York. These were incapable of being maintained long, but whilst the Americans, headed by the gallant General Zebulon Montgomery Pike, were advancing to assault them, a large magazine of powder near the place blew up, killing at least

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two hundred of the assailants, with their commander; and also throwing down the few vestiges of defences which existed there. Whereupon Sheaffe,—for Chauncey had made his way into the harbour,—profiting by the confusion, set fire to such of his stores as he could reach, and to a vessel on the stocks, and retreated towards Kingston, with about four hundred regulars, who alone remained unhurt. The militia who were in York capitulated, and the victors seized upon the stores which were unconsumed, and bore away as their great trophies, a standard, a musical snuff-box, and a mace taken from the Parliament House of the Provincial legislature, “over which hung a human scalp,” and this was presented by Chauncey to General Dearborn.

What the scalp did there is not very clear; but it proved very useful in hands of the orators of the war party, as can be imagined without difficulty. Ingersoll, in the impetuosity of his eloquence, whilst enlarging upon this discovery, not only quotes Benjamin Franklin’s fictitious State-papers, as we have said, but assures us that, when Chauncey left York,—after two or three days spent in “embarking the booty,” and the wine in particular,—it was “with the scalp taken as suspended, with the mace of the serjeant-at-arms, near *the speaker’s chair (killed in the action)* in the parliament house.” Which leads us to believe that he may have made many other mistakes, both in conceiving and in narrating the matters he treats of.

After visiting Sackett’s Harbour, and disposing of the wounded and the prisoners, having taken reinforcements on board, to the number of above five thousand, the fleet sailed for Fort George, on the Niagara river, at the head of the lake. There, under cover of the vessels, the advance, five hundred strong, landed, under the command of Colonel Scott and Major Forsyth; and being followed by the brigades of Generals Boyd, Winder, and Chandler, the enemy fled, giving up his works and blowing up his magazines, or else “Captain Hindman, entering first, was fortunately able to remove the match, before the fire had reached the powder.” “In a few hours, Fort George, Fort Erie, and the other fortifications in the vicinity received new masters.”

In this affair, it is said that the British lost a hundred and eight killed, and half as many more wounded, while six hundred were made prisoners; of the Americans, as many were wounded as were killed on the part of the British, and only thirty-nine were killed. Captain Perry was now, too, busy at Presque Isle, “preparing the timber for the construction of those vessels, with which he afterwards obtained such imperishable renown,” and withal inflicted new and unusual losses on the enemy. But in the mean while, “Colonel Proctor, crossing Lake Erie, made a dash with nine hundred regulars and militia, and twelve hundred Indians, at General Harrison, who lay with his division near the Rapids of the Miami,” as we have seen, and who was beset with so many difficulties and perplexities, according to his biographer, as to make his very existence there a matter of marvel, if not of miracle.

“On the 1st of May, a cannonade was opened upon the fort. General Clay, at the head of twelve hundred Kentucky troops, arrived near the Ra-



pids on the morning of the 5th of May. He was met by a messenger from Harrison, who communicated to him his orders. Dividing his force into two parties, he sent one of them, consisting of about eight hundred men, under the command of Colonel Dudley, to attack the enemies' batteries on the side of the river opposite the fort; the other he led himself against those near to it. He succeeded, by the aid of a sally from the besieged, in fighting his way into the fort. Colonel Dudley, making an impetuous onset, drove the enemy from their works. His troops, supposing the victory complete, and disregarding the orders of their commander, dispersed into the woods." The result we may tell in Alison's words. "Having incautiously followed up their success too far, these regiments were surrounded by the British and Indians, and after a desperate struggle, totally defeated, with the loss of two hundred killed and wounded, and five hundred prisoners, whilst the English lost only fifteen killed and forty-five wounded."

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Alison, however, omits the conclusion of the siege; for that sublime abstraction *History*, so stern in impartial justice and truth, is seldom seen in the writings of *historians*. "The fort," says Salma Hale, "continued to be defended with bravery and skill." Though Ingersoll scorns to "dwell upon those passive sieges," it would rather seem that the place was not worth much trouble; and beside that, there was not enough of variety and incident to gratify the Indians, who grew decidedly discontented; and on the 8th, notwithstanding all the eloquence and influence of Tecumseh, "deserted their allies." Wherefore Proctor, not desiring to be encountered by fresh troops, retreated, but we hardly think "precipitately;" and Harrison, relieved for the present from such pressing cares, as the attack upon the frontier post of his district involved, leaving Clay in command at Camp Meigs, hastened to bring up, in the form of organized battalions, the army which had been decreed by Congress and the War Department for service in the North-west.

The great loss sustained by Clay's reinforcement, in consequence of their "incautious" conduct after the battery they attacked had been carried, demands one word of comment. During the siege, Colonel Wood states in a letter, that Harrison's lines were "almost constantly in a blaze of fire," because the Indians were always hanging about the besiegers' works, "for nothing can please a Kentuckian better than to get a shot at an Indian,—and *he must be indulged*." It was to the indulgence of this murderous propensity, inflamed by the sight of a handful of Indians in the bushes in the rear of the battery,—to this alone (for disobedience of commanders was a feature common to all these expeditions against Canada, and distinguished militia and volunteers alike) may this disaster be attributed; just as we saw the massacre at Fort Mimms was properly to be ascribed to the dispositions engendered by slave-holding. These traits of character it is of the first importance to note, since by them not only are recorded actions explained, but the probable future course of peoples is revealed, to the student of mankind.

On embarking for York, General Dearborn had left Sackett's Harbour in rather a defenceless state; which induced Sir George Prevost, at the head of

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seven hundred troops, to combine with Sir James Yeo, whose squadron on Lake Ontario had recently been very considerably reinforced, to put to sea on the 28th of May from Kingstown, and attack that American post both by land and water. "The expedition," says Alison, "excited great interest on both sides of the water, [both in Canada and Great Britain,] and the most sanguine hopes were entertained by the British, that it would lead to the destruction of this growing and formidable naval establishment of the enemy. These hopes, however, were disappointed." General Brown, of the New York militia, had the chief command at the harbour, and on the 29th he detached Colonel Mills with the militia (whom he charged strictly to reserve their fire) and the Albany volunteers to oppose the landing of the British. Brown had hastily thrown up a slight breastwork at the only place where this could be effected.

At first, although exceeding the attacking force by four or five hundred men, the Americans were driven back. The militia, true to their principle of personal independence of all orders, military and other, fired before it was possible for a shot to tell; the skirmishers were driven back, and the civilians, with far better discretion than valour, fled, notwithstanding the efforts of Mills to rally them, and unmoved by his death, for he fell in the attempt. The invaders, thus left in possession of the peninsula, advanced against the loop-holed blockhouses; before which some four hundred regulars, under Colonel Backus, were drawn up. But the resistance made by this small band was so desperate, and the fire from the blockhouses so tremendous, and Brown, having succeeded in rallying about a hundred of the fugitives, made so well-timed an attack upon their rear, "that the bravest of the British recoiled."

"Prevost then," as Alison relates, "with the utmost gallantry, advanced with his staff to encourage the men; one of his officers fell dead at his side, but, notwithstanding all his efforts, the strait could not be passed. Meanwhile the utmost terror prevailed among the Americans in the rear: in the first moment of alarm, [when the militia fled,] their officers actually set fire to their naval storehouses, arsenal, and barracks, which were speedily consumed. [The spoils of York perished with the other stores, so that the flag, the mace, and that scalp taken from "the speaker's chair (killed in the action)," according to Ingersoll; were all that remained.] While the flames were yet burning, however, Colonel Toottle, with a reinforcement of six hundred militia, was approaching the American works. The British were reduced to three hundred and fifty men by the terrible discharges of grape and musketry which issued from them: they had not a single gun to beat down the palisades, or silence the enemy's cannon; and the fleet could not approach the shore to co-operate in the attack, owing to adverse winds. In these circumstances ultimate success was hopeless, and in fact the capture of the place must have been immediately followed by the surrender of the handful of British who remained for the assault. Prevost, therefore, wisely drew off his forces, and returned to the British shore."

Brown was rewarded for his services by the appointment of Brigadier in the regular army. Prevost was assailed with all the acrimony that could be generated by disappointment in the minds of those who had exulted in the anticipation of success. Nevertheless, the principal object of the expedition, the destruction of the stores, had been accomplished; and that, too, by the Americans themselves:—it “caused the loss of the supplies which were essential to the success of the campaign,” say the American authorities. According to them, also, this was “the last American success in 1813, on Lake Ontario, or the St. Lawrence, where the enemy’s good fortune afterwards never failed, except in Chauncey’s partial success on the lake.”

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At the time when Forts George, Erie, and the others near them had fallen into the hands of the Americans, Vincent had retreated to the heights at the head of Burlington Bay, where he occupied a strong position, when he gradually collected from the posts in the vicinity about sixteen hundred troops, one half of which were regular soldiers. The Americans on their side, fully aware of the advantage they had obtained in getting so strong a lodgment in the Canadian Territory, determined to drive him out of his stronghold, that they might more securely push on towards the interior, and achieve the conquest of the whole country. Generals Winder and Chandler were, therefore, sent against Vincent, with three thousand infantry, two hundred and fifty horse, and nine guns; and on the 5th of June they encamped on the bank of Stony Creek. As soon as the English general was apprized of their approach, he called a council of war, and in consequence, seven hundred and fifty men, under Colonel Harvey, were despatched for the purpose of retarding their advance. Finding, when they drew near the Americans, that they kept a bad look-out, Harvey resolved upon a night attack; and executed it, as soon as it was dark, with as complete success as their numbers, and the occasion, allowed.

“The sentinels were silently bayoneted; the main guard, who must have been asleep, were passed; but fortunately, the Indians, when they arrived near some fires just abandoned, where the troops had cooked their supper, raised their usual yell, supposing the Americans were sleeping around them. This awoke the troops, who, having slept on their arms, discharged their pieces at the enemy standing in light of the fires which had deluded them. But they soon retired into the darkness, which was intense; and then no one knew where his enemy was, nor which was friend or foe. Several irregular conflicts took place, in which some were killed and others wounded. General Chandler, intending to place himself at the head of his artillery, found himself in the midst of a British party, and was taken prisoner. A few minutes afterwards, General Winder made the same mistake, and fared no better. Satisfied with the capture of these officers, and about a hundred [that is to say, a hundred and fifty] other prisoners, the enemy made a precipitate retreat, [or say only returned; for in fact, as was exceedingly natural, *we retreated*, and that not in the best order, nor very much at our leisure,] losing, however, more than they had gained.” Ingersoll adds, as a set-off



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against the blunders made by the two American generals,—“ In the confusion of the night, the English commander Vincent lost his way, and wandered some distance off, where he was found next day, without sword or hat ;” but yet not a prisoner.

A fortnight afterwards, General Dearborn sent out an expedition of six hundred men, under Lieutenant-colonel Boerstler, to dislodge a British picket, which was posted at a place called Beavers’ Dams, to collect provisions, and to watch such of the Canadians as were friendly to the United States. Whilst on their way through the woods, they were beset by a small body of Indians, and a few of the 49th regiment, not two hundred strong in all. “ This little force was so skilfully disposed, as to make the Americans believe they were the light troops of a very superior army, which in fact was approaching, though it had not come up. They surrendered, in consequence, with two guns and two standards.” Something was said about “ fighting bravely,” and “ a superior force,” also it was alleged that Boerstler gave up his sword “ with tears in his eyes ;” but these ornamental additions did not alter the facts.

“ Shortly after, [nearly three weeks, in fact,] a successful expedition was undertaken against the American fortified harbour of Black Rock, on Lake Ontario, which was burned, with all its naval stores and vessels, by a British detachment under Colonel Bishop, who unfortunately fell in the moment of victory.” This is the English account. Hale says that the enemy “ attacked Black Rock, but were driven back, losing nine of their men and Colonel Bishop their commander.” Ingersoll calls the affair “ most enterprising and effectual ;” and tells how “ there was a militia force more than sufficient to repel this daring invasion ; but they ran away without resisting it ;” and how after all the mischief had been done, another force, hastily got together of regulars, militia, and Indians, attacked the invaders as they were re-embarking, and then Bishop and the nine men fell.

Mention is made of a skirmish “ on the Canada side,” which occurred about the same time with this affair at Black Rock ; in which “ Lieutenant Eldridge, a gallant and accomplished youth, commanding thirty men, was hurried by his impetuosity into the midst of a body of British and Indians. Fighting bravely, most of them were killed ; the lieutenant and ten others were made prisoners, and never afterwards heard of.” The story proceeds with true ballad-like exaggeration, affording another of those remarkable parallels, which we have so often pointed out, between the United States and the older countries of Europe some centuries before. “ The certainty that their fate was horrible [when, in fact, it was only unknown] exasperated, to a high degree, the American troops and people ; and the commanding general no longer hesitated to engage Indians in the service of the United States, stipulating, however, that they should spare the unresisting and defenceless.” In *fact*, it was the surrender of Hull at Detroit, which was employed as an occasion for engaging the services of Indians, as many as would take up arms, in behalf of the United States ; and if it were in revenge

for the unimaginable fate of the gallant boy celebrated in this story, the stipulation, which we attribute to some prosaic commentator, would be quite a *non sequitur*. After what we have seen of the Kentucky men, who "must be indulged" in shots at Indians; and of Ohio men carrying away scalps at Tippecanoe; and have heard of certain proceedings, both private and public, all sanctioned by law, either explicitly or implicitly, in the Southern States, in which the "unresisting and defenceless" have been by no means spared; we may well be forgiven if we withhold our complete faith from the generosity expressed by the author of this prose-made ballad.

We have said nothing of the vast tract to the west of the American settlements, occupied, or rather used, by the aboriginal tribes alone; for, in truth, few incidents occurred to vary the usually dull course of events there. But there were some movements on the part of the Indians, and much alarm in consequence; especially when the Osages proceeded to invest some of the most remote and isolated posts there. But these Indian wars had little or no real connexion with the war against Britain; although it was convenient to the Administration, and to the Democratic party generally, to represent the matter otherwise. Intrigues with these tribes had been solemnly disavowed by the British, and never proved by the authorities of the United States; and were altogether superfluous,—for whenever the attention of the government was withdrawn, or its disposable force occupied otherwise, the red men were sure to rise against their civilized and encroaching neighbours. And here we may, in passing, observe that one of the notes to Moses Dawson's *Life of Harrison* is to this effect,—"*There is no doubt that when Proctor made the arrangement for the attack on Fort Meigs with Tecumseh, the latter insisted and the former agreed, that General Harrison, and all who fought at Tippecanoe, should be given up to the Indians to be burned:*"—this note, we would observe, is demonstrated to be untrue, by the well-known fact, that every man of the eight hundred who contrived to lose a victory when it was already in their hands, as has been related above, in that very siege, would have perished, had not Tecumseh restrained his followers, and exerted his great influence to prevent them from exacting an ample revenge for the wanton slaughters of his people by the gallant Kentuckians.

There was a lull in the battle storm on the North-western frontier for a short time, after the retreat of Proctor from Camp Meigs; and both British and American commanders abstained from all attempts on each other's positions. Prevost, finding the Americans so entirely passive in Fort George, and unprovokable by any demonstrations, or *reconnoissances*; and not having sufficient force to justify an assault, left the place under blockade, and returned to Kingston.

But Proctor, on Lake Erie, knowing that the progress made by the Americans in the preparation of a flotilla menaced the supremacy which the British had acquired and maintained, determined to strike a blow at Harrison's camp at the Rapids, for the purpose of interrupting the American communications with the Lake. Unable to induce Clay to quit his lines and risk an engage-

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ment, he invested Fort Stephenson, at Lower Sandusky, on the Sandusky River, with five hundred regulars and militia, and above three thousand Indians. Captain Croghan, who commanded there, had no more than one gun (a six-pounder) and a hundred and sixty men, and those young and inexperienced. Ingersoll justifiably insists upon the weakness of the place, its bad position, and the perplexing orders left with its commander,—whom Harrison had instructed to fire the fort and retreat, (if he could,) should the enemy approach in force, and with artillery. “The works having been battered, on the 2nd of August Proctor led his troops to the assault. They crossed the glacia with great gallantry, though entirely deserted by their Indian allies, (whom no consideration could induce to face the great guns,) [but Croghan had only *one*,] and were actually in the ditch, when the head of the column was smitten by such a fire of grape [the one gun had been kept silent till then] and musketry, that they were driven back, and obliged to re-embark with the loss of a hundred killed and wounded, and he soon after raised the siege.” “The loss of the garrison was one killed and seven slightly wounded.”

Before the events last narrated, General Dearborn’s old quarters on Lake Champlain were attacked by the British. They had captured several small American crafts there, almost as soon as they were brought into action, and had gained the entire command of the lake. Stretching across to Plattsburg, with nine hundred men on board, the flotilla captured Plattsburg, which was evacuated by twelve hundred Americans “without firing a shot,” (“it was,” says one American writer, decently veiling the unpleasant fact, “destitute of defence,”) “burned part of the naval stores, brought away the rest, and also destroyed the naval establishments at Burlington and Champlain.” Private property also suffered by this inroad, as was almost inevitable. Swanton, in Vermont, was plundered in the same manner. On the same day, Colonel Scott was conveyed by Chauncey, in the American fleet on the other lake, to York, where he landed and destroyed or carried off a considerable amount of public property and stores, burning the new barracks, and releasing some of the soldiers who had been made prisoners at Beavers’ Dams.

Into the largely agitated question of which was to blame for the disaster at Frenchtown, which Winchester attributed to Harrison, (as was natural,) and also into the question of Harrison’s generalship, as displayed during the whole of the former part of this campaign, which was much agitated also, as we may still read in Ingersoll’s pages, it is not our design to enter. The certainty of such disputes, with all the evils incidentally arising from them, are part of the price paid by the United States for their political liberty; and they are, to a certain extent, a check upon attempts they might be disposed to make on the independence or political freedom of their neighbours. We must turn now to a far more satisfactory theme, Perry’s victory on Lake Eric, and the consequences arising immediately from it.

How this young naval commander was sent to this station, and what he at once proceeded to do, with a view to rehabilitating the American cause in that



quarter, has been told. It must be conceived, that, in spite of all obstacles, unfavourable rumours being amongst the most vexatious, Perry has succeeded in building and launching, equipping and manning, two brigs, which he names Lawrence and Niagara, mounting each eighteen thirty-two-pounders, and two long twelves, which lie then in harbour at Erie, blockaded in part by the bar, and in part by the British squadron, who expect, before long, to make them their own.

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Perry waited (not impatiently) for a favourable opportunity; and on the 4th of August, a Sunday, the enemy having been absent from the Friday, (when the commander of the squadron was invited to some badly timed dinner,) hoisting out his guns, and heaving up his brigs by scows sunk alongside, and then pumped out, he crossed the bar, just as the blockading squadron returned to its station. He was now at the head of a fleet of ten vessels of various sizes, the two just emancipated brigs being the largest. The British had six armed vessels, carrying sixty-three guns, (the Americans mounting but fifty-five in all,) but throwing not more than half the metal of their antagonists; inferior, moreover, in the whole number of their crews, which were also all the less efficient from being composed in good part of Canadians and soldiers,—inferior also in power, because with smaller crews the tonnage of the fleet was heavier.

Barclay at first avoided the encounter, but soon deemed it more prudent to meet Perry's fleet, which he did on the 10th of September, not far from Put-in Bay, off Sandusky. An action ensued, which for the valour and resolution displayed on both sides, was never surpassed. We will let the English tell the tale of their discomfiture. "In the first instance, the Lawrence, which bore Commodore Perry's flag, was cut to pieces by the British guns; she became unmanageable; Perry shifted his flag on board the Niagara, and soon after the colours of the Lawrence were cut down amidst loud cheers from the British squadron." Cheers that ought to have been reserved till the final issue of the engagement could be known.

"After this, the firing ceased on both sides for a few minutes, and a breeze at the same time having sprung up behind the Americans, Perry skilfully gained the weather gage, while the British vessels, in endeavouring to wear round to present a fresh broadside to their antagonists, fell, from the inexperience of their crews, into confusion, and for the most part got jammed together, with their bows facing the enemy's broadsides. So defective, too, was Barclay's equipment, that he had only one boat on board of his own vessel, the Detroit, and it was pierced with shot; he could not in consequence take possession of his prize; the Lawrence drifted out of fire, and her crew immediately re-hoisted their colours." The Niagara passed completely through the British line when in the height of its confusion, discharging both her broadsides simultaneously, and the rest of Perry's vessels followed her. "The result was, that after a furious engagement of three hours, the whole British vessels were taken; but not until they had become wholly unmanageable, nearly all the superior officers, including Barclay,

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"The results of this victory were instantaneous and of high importance," says Cooper. In the first place, it had been won by a squadron of American vessels over a British squadron, which differenced it most remarkably from all the other maritime successes achieved during the war. But that was not the chief matter of exultation,—the Americans were now masters of Lake Erie, and "had it in their power at once to intercept the whole coasting trade, by which Proctor's troops and Indians were supplied with provisions, and to land any force they chose in his rear, and entirely cut him off from Kingston and York." Abandoning, therefore, and destroying all his fortified posts beyond the Grand River, he commenced a retreat at once, accompanied by Tecumseh and his Indians,—“Tecumseh the Loyal,” who did not desert his allies, now that victory had turned against them; although almost all the other Indians abruptly left the camp.

As soon as Proctor's attempt upon Sandusky was known, Meigs, the governor of Ohio, ordered a levy in mass of the whole militia of the State; so that when Perry's victory had given to the United States the command of Lake Erie, there was an army ready to turn the advantage thus acquired to the best account. Part of the prizes and part of his squadron Perry now employed as transports, and twelve hundred of Harrison's troops were without delay carried over to Canada, where they took possession of Malden, which had been deserted and dismantled. Detroit was next recovered; and there Colonel Johnson's regiment of mounted rifles joined the expedition, which was all the more welcome, because Proctor had driven off all the horses of the country, to prevent pursuit.

Two days sufficed for the restoration of the State authorities and government at the capital of Michigan, and then the Americans hastened to follow the trail of their flying enemy. Perry's squadron now attended the march of the army with supplies, and all needful aid for its rapid advance, "while the British, almost starving, toiled through wretched roads and interminable forests. On the 4th of October, Harrison came up with the British rear, and succeeded in capturing nearly all their stores. Unable to retreat farther in anything like military array, Proctor had now no alternative but to endeavour to check the enemy by a general battle; and for this purpose he took up a position at the Moravian village on the Thames."

Harrison's admiring biographer discusses the battle which ensued at great length, and, unconscious of having taken the step beyond the sublime, shows that Napoleon won his victories by the same manœuvre that the gallant Harrison now resorted to, and which was crowned by the most signal success. This we may safely pass over without notice, especially as all manœuvres and complicated strategies were rendered needless by the great superiority of Harrison's numbers. He had some three thousand men, the least effective of whom were the redoubtable marksmen of Kentucky and Ohio; while

Proctor had only two thousand, fifteen hundred of whom were Indians. Proctor's force, too, was discouraged and disorganized by a forced retreat; Harrison's, flushed with the anticipation of success, and with the excitement of pursuit. It betrays the very remarkable condition of the people, that a victory gained under such circumstances should be the ground of such infinite jubilation.

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Johnson's mounted rifles, after receiving the fire of Proctor's far too open line, charged completely through it, and it at once broke and fled. Proctor shared their flight. Tecumseh and his followers, "though little inured to regular warfare, continued the contest with heroic courage, and only abandoned it when the day was irretrievably lost,—their gallant chief, Tecumseh, and many of their bravest warriors having fallen." Johnson afterwards claimed the credit of having killed the Indian warrior:—"There is a *possibility*," says Moses Dawson, candidly, "that this distinguished chieftain fell by a pistol-shot from the hand of Colonel Johnson; he was certainly killed in that part of the line where the colonel was himself wounded;" which pleasantly illustrates the value of this able editor's *possibilities* and *probabilities*, when dealing with the charge he is fond of bringing against the British, of stirring up the Indians to revolt.

Seventeen of the Americans were killed and thirty wounded; the British lost nineteen killed, fifty wounded, and about six hundred prisoners; and a hundred and twenty Indians were left dead on the field. After undergoing incredible hardships, in making their way through the woods, Proctor was able to reassemble at Ancaster, at the head of Lake Ontario, no more than two hundred and forty. Among the trophies of the victory were several cannons originally captured at Saratoga and York from the British, which had been surrendered by Hull at Detroit, and were by this good fortune regained. The Kentucky soldiers (by way of demonstrating the justice of all the emphatic self-encomiums of the Americans, and the propriety of the ungrounded accusations levelled against the British,) cut off "pieces of skin,"—for it would not do to use the word "scalps,"—from Tecumseh's corpse, and kept them. And Ingersoll, who has made such a pother about that "scalp" found in the Parliament House at York, and has quoted Franklin's fiction to give point and weight to his declamation, has thus commented on this conduct of his Kentuckians:—"Indignities to the dead are common on every field of battle. Refined military men, who might condemn these Kentucky spoils as barbarous mementoes, would sack cities during days of authorized horrors and licentiousness; which prove that war is a ferocious departure at best from the laws of humanity?" Having a rather questionable cause to defend, our author's language is not so *classical* as usual, which our readers will perhaps, with us, forgive.

Lewis Cass, who here definitively appears on the political stage, was left at Detroit, shortly afterwards to be governor of the recovered Territory of Michigan; the Kentucky volunteers were dismissed, and Harrison, finding that he could not make any attempt to recover Mackinaw, hastened his pre-



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On the same day that Proctor was defeated, "Six [British] schooners, having on board two hundred and fifty soldiers, proceeding from York to Kingston without convoy, were captured on Lake Ontario. These repeated losses, coupled with the alarming intelligence received at the same time of great preparations for a general invasion of Lower Canada, made Sir George Prevost wisely determine it to be impossible to continue any longer the investment of Fort George ; and the siege was accordingly raised a few days later. Though the British force at this point was so much weakened by sickness, that not a thousand firelocks out of three thousand could be brought into action, yet the retreat was conducted with perfect order ; and the troops were concentrated in a strong position on Burlington Heights, where they were soon after joined by the fugitives from Proctor's detachment, and succeeded in mustering fifteen hundred bayonets.

"They showed so strong a front that the Americans did not venture to attack them, and this stemmed the torrent of disaster in that quarter. But by driving the British from the territory to the westward of the river Thames, the Americans had in a great degree cut them off from their Indian allies, with whom they now could maintain no communication, but by the distant and now isolated fort of Michilmackinac, on Lake Huron ; an advantage of no small moment for the future progress of the war."

Amongst the changes effected by Armstrong's military organization of the country, were the retirement of Dearborn from the command on Lake Champlain and in the north, and the substitution of General Wilkinson (whom we know as playing a rather Janus-faced part, in relation to Burr's affairs) for him, at the head of the army of the centre. To Wilkinson was intrusted by the War Secretary the gathering of the fruit, which was now confidently expected to succeed these intoxicating successes, which we have detailed,—the conquest of Lower Canada ; and the first task assigned him was the acquisition of Montreal, which, it was hoped, he would carry at once, and winter at. But such were the difficulties attending the concentration of the troops, such the want of preparation, notwithstanding all that had been boasted, that not till the beginning of November could he get the flotilla in which his troops were embarked, under way. Their progress was impeded, too, when they had set out, by parties of the enemy, stationed along the Canadian shore, at every convenient position ; and to disperse them, General Brown was landed, with a body of men, and was sent in advance of the boats. Boyd was also sent against the British who infested the rear of the expedition. On the 11th of the month, at Chrystler's Fields, a much smaller number of the enemy encountered the Americans, in a kind of *melée*, wherein after falling back for a moment, they charged the invaders so gallantly with the bayonet, that they gave way in disorder, losing one gun, and three hundred and forty killed and wounded, General Covington being included

amongst the slain. But the British were too few in number to follow up their advantage, and so the flotilla passed the rapid in safety. This action is claimed as a victory by some American historians of the war, and the force of the British exaggerated, as well as the facts of the engagement.

Next day, arriving at St. Regis, the place appointed beforehand for General Hampton to meet Wilkinson with the troops from Plattsburgh, it was ascertained that the junction could not take place; for, in fact, Hampton very cordially detested his superior in rank, though not in command, and instead of acting up to the directions he had received from the Department of War, he had planned a little expedition of his own, hoping with his five thousand men to gain an easy victory over Prevost's two thousand, and by this means to snatch the laurels from Wilkinson's brow. But it so happened that at the first British post, held by some three hundred Canadians merely, he completely failed; being able to congratulate himself upon nothing except that he had retreated in good order, and was not pursued! He was loudly condemned by the popular voice for his share in the disgrace of this wretched failure; and resigned his commission in consequence; General Izard being his successor at Plattsburgh.

General M'Clure had been left in command of Fort George, but with a very insufficient force, and which was made yet more insufficient by the retirement of the militia, whose term of service was out; and therefore, receiving intelligence that the enemy was approaching him, on the 10th of December he removed his stores, destroyed the fort, and, acting upon his instructions, set fire to the village of Newark, "leaving the wretched inhabitants," says Ingersoll, "including more than four hundred women and children, to the accumulated horrors of famine and a Canadian winter." Availing himself of the indignation excited by this inhuman proceeding, Colonel Murray crossed the river and carried Fort Niagara by surprise, capturing four hundred men, three thousand stand of arms, and all the stores. He also carried a fort which had been erected opposite to Queenstown, from which the Americans were discharging red-hot shot into that town.

And at the very end of the year, General Drummond, crossing the Niagara, stormed Black Rock, and having taken Buffalo, burned it in retaliation of the destruction of Newark. Prevost sent out a proclamation, avowing the reason for this destructive warfare, and deprecating any further continuance of it. But the animosity of the war party in America had arisen to such a height, that during the autumn of this year Madison put into strict confinement twenty-three prisoners of war, by way of retaliation for the treatment as traitors of as many Irishmen captured by the British at Queenstown. And when the British retaliated by imprisoning double the number of American officers who had been taken, the President imitated the proceeding with officers of the enemy whom he had in his power; and so the Canadian governor closely imprisoned all his captives. In the following year, the British began to relax in their severity to their prisoners; and not till then did Madison show any signs of relenting.

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Meanwhile the war by sea was carried on with various fortune. The first victory this year was won by the *Hornet*, 18, Captain Lawrence. In the preceding year, this vessel had endeavoured to decoy the *Bonne Citoyenne*, a British sloop of the same rate as itself, out of the port of St. Salvador, or Bahia, by challenging her captain. After three weeks, however, one of the enemy's seventy-fours drove the *Hornet* away, and thus relieved the *Bonne Citoyenne*, "from the awkward necessity of fighting with considerable treasure on board, or of the still more unpleasant dilemma of appearing indisposed to meet a ship of equal force." Soon afterwards, on February 24th, the *Hornet*, having captured several prizes, fell in with the *Peacock*, 18, off the mouth of the Demerara river. The British vessel was, as in other instances, inferior to the American in tonnage, weight of metal, and crew; and in like manner with the others, it was completely vanquished.

As soon as Captain Lawrence was satisfied that the vessel he had discovered was an enemy, the *Hornet* was "cleared for action, and her people went to quarters." She was kept close by the wind, too, in order to gain the weather-gage of her antagonist, who continued running free. The two vessels "passed within half pistol shot, delivering their broadsides as the guns bore; each vessel using the larboard battery. As soon as they were clear, the Englishman put his helm hard up, with the intention to wear short round, and get a raking fire at the *Hornet*, but the manœuvre was closely watched and promptly imitated, and, firing his starboard guns, he was obliged to right his helm, as the *Hornet* was coming down on his quarter in a perfect blaze of fire. The latter closed, and maintaining the admirable position she had got, poured in her shot with such vigour, that" within an hour and a half from the commencement of the action, "the enemy not only lowered his ensign, but hoisted it Union down in the fore-rigging, as a signal of di-tress. His mainmast soon after fell."

The signal of distress, says Alison, "was answered with praiseworthy humanity by the brave Americans, and every effort was made by the crews of both vessels to save the disabled ship. But, notwithstanding all their efforts, she went down in a few minutes, with thirteen of her own crew and three of the *Hornet*'s, who were engaged in the noble act of striving to save their enemies." The captain of the *Peacock* and four men were killed, and thirty-three wounded; whilst there were but one man killed, and two wounded, on board the *Hornet*. Only one shot fired by the *Peacock* struck the hull of her adversary; and it did no more damage than that of "indenting a plank beneath the cat-head."

So many disasters at sea impressed the British government with the necessity for the most vigorous efforts, both to retrieve their naval losses, and to prevent the recurrence of such ignominious defeats. "Several vessels," we are informed by Sir Archibald Alison, "were commenced on the model of the American frigates and sloops, which had been found by experience so swift in sailing, and so formidable in action; and secret instructions were given to the commanders of vessels on the North American station, not to hazard



an encounter with an opponent nominally of the same class, unless there was something like a *real*, as well as an apparent, equality between them. Greater care was, at the same time, taken in the selection of crews; a larger proportion of men was given to the cannon on board; and orders were issued for the frequent exercise of the men in ball practice, both with small arms and great guns;—a point of vital importance in naval warfare, but one which had hitherto been in an unaccountable manner neglected, with a very few exceptions, in all the departments in the British navy.”

All along the Atlantic coast, this year, an annoying and predatory warfare was carried on by the British. In February, two ships of the line, four frigates, and several smaller ships of war, under the command of Admiral Sir John Borlase Warren, took possession of Hampton Roads, in Chesapeake Bay; and in the following month, Captain Beresford, with a seventy-four and a frigate, made himself master of Delaware Bay. The entire force of the British fleets on the American coast, between Halifax and the Bermudas, at this time consisted of some six seventy-fours, thirteen frigates, varying in rate from thirty-eight to thirty-two guns, and eighteen sloops, carrying about twenty guns each; so that, notwithstanding the successes of the Americans in the combats we have related, ship against ship, they were totally unable to make good their claim to be considered a naval power in opposition to Great Britain.

Congress, however, had, under the influence of the new Democratic party, passed measures for the purpose of offering some resistance, at least, to the armament which thus rode triumphantly in the American waters;—that is to say, if it would be so courteous as to look upon the Acts of Congress as a chivalric challenge, and wait until the four seventy-fours, and six frigates of the first class, which the President was authorized to build, should be ready for action! It may also be recorded, that it was by a very small majority that this truly Federalist policy was adopted by the House. And whilst this navy was preparing, premiums were offered to induce inventive and adventurous individuals, by means of submarine infernal machines, to protect the harbours of the United States; which Jefferson’s gun-boats were once more demonstrated to be incapable of defending. Some of the State legislatures, too, of a democratic complexion, projected patriotic contributions of ships of war, to be built, armed, and equipped at the expense of their States, severally, to the infant marine. But the spirit of the original Democracy, which was so near prevailing in Congress, prevented the accomplishment of these projects.

On the 20th of March, the whole Atlantic border of the United States, with the exception of the coasts of New Hampshire, Massachusetts, and Rhode Island, was declared to be in a state of blockade; and with respect to the more important harbours, this blockade was strictly enforced. From time to time, expeditions of light vessels, or boats, were despatched from the blockading squadron, against different points of the coast; whilst the ships themselves menaced, now Washington, now Annapolis, and now Baltimore;

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so that the entire sea-board was kept in a continual state of alarm, and the militia exhausted by being ceaselessly on active duty.

Lewistown, a village near the mouth of the Delaware, was bombarded; the Americans said, because the inhabitants had refused to supply (i. e. sell) fresh provisions to the enemy. Frenchtown, Havre de Grace, Georgetown, and Fredericton, were plundered and burnt. An attack on Craney Island failed; it having been fortified, and the water being too shallow to allow the boats to get sufficiently near the shore to land the troops, and Norfolk and Portsmouth arsenals were, in consequence, saved. The fortified post at Hampton was, however, stormed; and in Ocracoke harbour, two fine brigs were captured. Hampton, the Americans alleged, was given up to the will of the victorious soldiers; and it was admitted by the British, that "some acts of violence" were committed against the inhabitants in the heat of the assault." The name of Admiral Cockburn became a terror to the inhabitants of the banks of the Chesapeake and Delaware. And although no great results attended these operations, they demonstrated to such of the people as had not joined the fanatical-war party, how terrible a mistake the Administration had committed, in declaring hostilities against Great Britain.

Madison's followers prevented the zeal of the party from flagging, by circulating the most exaggerated accounts of the outrages at Hampton, and by denouncing as barbarous every act of hostility on the part of the British. The reception and employment of fugitive slaves by the British also furnished the "Red-Sticks" with matter for endless declamation. They who are so minded may find, in the pages of Ingersoll, a most animated *resumé* of these charges, and a picture of the feelings which they excited; and to that not very logically written work we refer our readers. But whatever comfort the party derived from these denunciations, the sufferers from the hostile descents, which we have spoken of, and all who desire to see their country treated with respect, both in word and deed, did not find much satisfaction in them.

During this summer, the first proof was afforded of the beneficial results to the British government of the numerous defeats which their ships had experienced. The command of the Chesapeake had been given to the gallant commander of the *Hornet*, and while she was refitting at Boston, the two British frigates, the *Shannon* and the *Tenedos*, frequently appeared off the harbour, as if to challenge some of the vessels lying there to combat. On the 1st of June, the *Shannon* alone made its appearance; Captain Broke having sent away his consort, with instructions not to return for three weeks. "This able officer," says Alison, "commanded a frigate pierced for thirty-eight guns, but really mounting fifty-two; and, contrary to the general practice in the British navy, he had for many years trained the crew, whom, by admirable management, he had brought to the highest state of discipline and subordination, to the practice of ball firing with great guns."

Some disaffection existed among the crew of the *Chesapeake*, on account of the prize-money of the last cruise, which was still unpaid. She had also an unusual number of mercenaries and landsmen in her; some of the officers,

too, were deficient in experience. But she exceeded the Shannon, both in the number of her crew, and in the weight of her broadside. In the number of guns the vessels were equal. Understanding that the Chesapeake was ready for sea, Captain Broke stood in to the mouth of the harbour, and despatched to Captain Lawrence a courteous invitation to single combat, "to try the fortunes of their respective flags." But before this *cartel* could be received, the American captain, seeing the British vessel lying close in to the lighthouse, with colours flying, determined to chastise its commander for so daring a defiance, and weighing anchor, went "gallantly down, with three flags flying, on one of which was inscribed, 'Sailors' rights and free trade.'" "Numerous barges and pleasure-boats, amidst loud cheers, accompanied her some way out, to what they deemed a certain victory."

It was 12, meridian, when the Chesapeake weighed; and Broke, finding his challenge accepted, at once stood out to sea. When about thirty miles from the light, at about 5, P. M., the Chesapeake signalled the Shannon to heave to, and with three cheers, ran up alongside her, at the distance of about two hundred yards. As she passed not more than a stone's throw off, the Shannon's guns, beginning with her cabin guns, were fired, in succession from aft forward; and as they were heavily loaded, with two round shot, and a hundred and fifty musket balls, or one round and one double-headed shot, in each, they did fearful execution. The Chesapeake did not fire till all her guns bore, when she delivered a very destructive broadside. Two or three broadsides were then exchanged; and "so far as the general effect of the fire was concerned," the Chesapeake had the best of it; but some of her rigging had been shot away, and in attempting to haul her foresail up, she fell on board the Shannon, whose starboard bower-anchor locked with her mizzen channels; and she lay exposed to a raking fire from the enemy, who swept her decks with the contents of two thirty-two pounders carronades, beat in her sternposts, and drove the men from their quarters. The veteran boatswain of the Shannon, at the cost of his own life, lashed the two ships together; while their marines exchanged a sharp and galling fire of musketry.

Captain Lawrence was severely wounded before the vessels fouled; and in preparation for that, he directed the boarders to be called; but instead of a drummer, there was only a bugleman, and he, a *negro*, "was so much alarmed at the effects of the conflict, that he had concealed himself under the launch, and when found, was so completely paralysed by fear, as to be totally unable to sound a note." The word was then passed for the boarders to come on deck; but at this very instant, the captain fell with a ball through his body. No other officer, higher in rank than a midshipman, remained on the upper deck; and when the boarders came from below, such was the confusion, that they were unarmed; and the enemy was now in possession of the vessel: for the British on their side, as soon as the vessels were made fast, were prepared to board, and their captain, at the head of the boarding party, leapt upon the Chesapeake's quarter-deck; quickly followed by another party to the fore-



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castle ; whilst the sailors of the Shannon's foreyard forced their way into the Chesapeake's tops, and cleared them.

Three American sailors, who had previously submitted, made a furious assault upon Captain Broke, as he stood almost alone on the Chesapeake's quarter-deck ; but he succeeded in parrying a mortal thrust, though he was badly wounded with a sabre-cut, and a blow from the butt end of a musket. "Fifteen minutes after the first gun was fired, the Chesapeake was entirely in the hands of the British." On board the American ship, forty-eight were killed and ninety-eight were wounded ; while the Shannon lost twenty-four killed and fifty-nine wounded, principally by the Chesapeake's broadsides. Lawrence died of his wounds five days later, and was buried with military honours at Halifax, whither both ships proceeded, very soon after the action ; his words, (or such as were attributed to him,) "Don't give up the ship !" — "Fire faster !" uttered as he fell mortally stricken, have become a "saying" in the United States ; and when Perry went into action, on Lake Erie, a flag inscribed with them was flying at his mast-head.

Both in America and in Great Britain, the effect of this engagement was prodigious. In the latter country, it was hailed as a demonstration that the reiterated defeats which had been inflicted on its ships were not owing to any decline in its naval might, but were to be ascribed rather to the superiority of the American vessels in every combat, and to their assiduous practice of naval gunnery. Whilst the Americans, having begun to fancy themselves invincible at sea, experienced an amount of chagrin on seeing their *prestige* thus early dashed, that cannot be described ; and which neither all the considerations that could be discovered or invented to account for the defeat, without relinquishing the notion of American invincibility, nor the years which have elapsed, have even at the present day entirely assuaged.

Ingersoll, with an amount of candour that is, in him, quite astonishing, remarks,—“Was not [Lawrence] misled by a mistaken confidence, that he could take an English frigate in a quarter of an hour, as he took a sloop ? Many of his countrymen still believe he had done so, when his ship got foul of the other, and that mere accident then, as it often does, reversed the scale of victory. If Captain Lawrence had received Commodore Brock's [our historian often makes remarkable blunders in relating such facts ; it should be Captain Broke's] manly challenge before sailing, or if he had been less hasty in closing with him, the contest might have been more equal than it was, when Lawrence rushed with every disadvantage upon a brave, cautious, and well-prepared foe, whose much more complete preparation did him honour.”

One incident of the combat we must notice, however unwillingly. We have frequently seen the usages and forms adopted universally by civilized nations, in their intercourse with each other, both in peace and in war, disregarded by citizens of the United States, and have always heard them excused as the freaks of individuals. We have also heard the most extravagant demands made upon other nations, by the authorities of the United States, in

respect of such intercourse,—America seeming to expect that Great Britain should refrain from taking advantage of these usages, (whatever France might be allowed to do,) and should not object to Americans' refusing to be bound by them. In their domestic relations, too, we have seen club-law and lynch-law, and generally "the law of the strongest," superseding and abrogating at will the customs and usages of organized, civilized society. We shall see other instances as we proceed. These cases will demonstrate, that it was no freak of individual ferocity which nearly cost the British captain his life,—three American sailors, whose lives had been spared in consequence of their giving tokens of submission, setting upon him, and cutting him down on the quarter-deck of his prize;—this must not be ascribed to mere individual savagery; it was the result and expression of a general habit of lawlessness, which Jefferson first sanctioned and encouraged, and which, if not strongly repressed, will destroy, as it has unquestionably postponed, the grand *avenir* of the American people.

We must pass by without notice many minor events of this naval warfare; and merely mention the capture of one of Jefferson's gun-boats, by the sloop *Martin*, which was attacked by a swarm of them when stranded by the fall of the tide, in the Delaware;—and the blockade of Decatur's squadron, in New London, by Hardy, who, without regarding the interpretations that were sure to be given to his refusal, declined to throw away the advantage he had gained, by keeping the squadron from sea, for the sake of fighting two of Decatur's ships with two of his own.

In the middle of August another action took place, which afforded a complete corroboration to the conclusions derived from the affair of the *Chesapeake* and the *Shannon*. The *Argus*, mounting twenty thirty-two-pound carronades, and two bow guns, commanded by Captain Allen, after conveying to France the newly-appointed ambassador, William H. Crawford, cruised for several weeks in the immediate vicinity of the British Isles. Twenty sail of merchantmen were captured, and almost all destroyed; and Cooper solicits the sympathy of his readers for this destructive "Viking," by adding,—“It will be readily understood, that the duty on board the *Argus* was of the most harassing and fatiguing nature, the feelings of Captain Allen inducing him to allow the masters and passengers of the different vessels he took to remove everything of value that belonged to themselves, before he caused his prizes to be burned.”

One night he captured a vessel laden with wine, from Oporto, and “it has been said,” observes Cooper, with some timidity, (but whether from a desire to palliate the issue, or because he did not consider it safe to tell his story without any *ambages*, is not certain,) “and apparently on authority entitled to credit, that a good deal of the liquor was brought on board the brig clandestinely, \* \* and that many of the people \* \* partook of the refreshment it afforded too freely.” Be that as it may, on the following day, the 14th of August, the *Pelican*, a British brig of eighteen guns, and so inferior in that respect, as she also was in the number of her crew, to the

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American, whilst exceeding it both in tonnage and in weight of broadside, bore down upon the Argus. "Finding it impossible to gain the wind of his enemy," Allen shortened sail, and a furious conflict began. The captain and first lieutenant fell, *hors de combat*, within a quarter of an hour; and after successfully avoiding one attempt to rake her, she became unmanageable, and "the enemy chose his position at pleasure." For a quarter of an hour the Pelican now maintained a raking fire upon the unfortunate Argus, whilst she could hardly train a gun to bear upon her adversary. She struck, accordingly, and "the enemy, at the same moment falling on board, took possession over the bow." Six men were killed, and seventeen wounded, on board the Argus; whilst the victors lost only seven men in all. It is said, or rather supposed, that one reason for this extraordinary failure was the employment of some powder taken from one of the prizes made by the Argus, which was found out afterwards to be "condemned" powder, going to South America to be sold. Cooper puts this in a note merely, and we therefore give it as an example of the excuses made by the nation to itself, rather than as a valid explanation of a distasteful fact; although the Pelican's sides were dotted all over with the marks of shot that could not pierce it.

On the next collision which happened in the American waters, between the Enterprise, one of the sloops of war which has figured in our pages in the story of earlier wars than this, rated a fourteen-gun vessel, but carrying sixteen, and the British sloop Boxer, 14, whose crew was but a little more than half the number of the American's crew,—the action lasted about forty minutes, and the success of the Enterprise was as much owing to the extraordinary and skilful handling of the ship as to the superior gunnery of the crew. The British captain had actually nailed his colours to the mast; and after he had ceased firing was obliged to explain this circumstance, in order to obtain an opportunity for lowering his ensign. Both the commanders were killed; twenty-five fell in the Boxer, and only four in the Enterprise; the number of wounded was nearly equal.

During this summer, the President and the Congress were engaged in long cruises, but met with no more exciting adventure than that of returning to port, refitting, and sailing again, "as if there were no British ships to countenance proclamations of their blockade." But for daring and success, the cruise of the Essex under Captain Parker stands first amongst the naval enterprises of 1813. After capturing the British treasure-ship, and appropriating its valuable and useful burden, the commander of this vessel determined to take her round Cape Horn, and to try his fortune in defending the American whalers and capturing the British ships that might be found in the Pacific. At Valparaiso he was welcomed as a friend by the new government of Chili; his first exploit was the rescue of two American vessels which had been taken by a Peruvian privateer,—the viceroy having presumed that Spain had declared war against the United States, and granted letters of marque against their shipping. In April he made three prizes of armed whalers, and one of them he manned and equipped with sixteen guns, to sail as consort to



his own ship. Nine other vessels also fell into his power ; making twelve prizes in the course of this year. Three of these he took to Valparaiso for security, and three he sent home with the oil he had taken in the others ; two were dismantled and sent with his paroled prisoners as cartels ; the rest he converted into cruisers, or tenders to the Essex, and thus increased his force into a respectable squadron. Four thousand tons of shipping were thus captured by him ; and four hundred prisoners made, many of whom consented to serve under him ; and but for his presence in those seas, the American whalers would have experienced the same fate, and been taken by the enemy. In the autumn, hearing that some British vessels had been sent in search of him, he proceeded to the Marquesas, and refitted in the Bay of Noukahivah, before attempting to make his way back to America. The conclusion of his adventurous voyage belongs to the story of the following year, and we postpone it to the next chapter.

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“ Not in public ships only,” says Salma Hale, “ was displayed the gallantry of American seamen. A large number of privateers was fitted out, seeking riches chiefly, but not unmindful of the glory of victory. Many were signally successful in capturing rich prizes ; but the general belief that Providence blesses not wealth so acquired, was strengthened by the quickness with which it vanished, having fixed upon its possessors habits of extravagance, and leaving behind it the love of pleasure which could no longer be gratified. Sometimes, in their search for merchantmen, they met with hostile privateers, or public ships of war, and then they showed themselves worthy of the flag which waved over them.

“ In August, the American privateer Decatur, mounting seven guns, and manned with one hundred and three men, fell in with the British schooner Dominica, of sixteen guns and eighty-three men. For two hours the two ships continued manœuvring and firing, the Decatur seeking to board her antagonist, and she to escape. At length the former was placed in such a position, that part of her crew passed, upon the bowsprit, into the stern of the latter. The firing on both sides, from cannon and musketry, was now terrible. In a short time, the two ships came in contact, broadside to broadside, and then the remainder of the Decatur’s crew rushed upon her enemy’s deck. Fire-arms were thrown aside, and the men fought hand to hand, using cutlasses and throwing shot. Nearly all the officers of the Dominica being killed, her flag was hauled down by the conquerors. Of her crew of eighty-three, sixty were killed or wounded ; of that of the Decatur, but nineteen.

Of the President’s second Inaugural Address, and of the Message with which he opened the extraordinary session of Congress, on the 25th of May, enough has been said in other pages ; and although they relate almost wholly to the war, they are not possessed of the least value as state-papers, since they are, in fact, merely exaggerative echoes of the expressions of the *esprits exaltés* of the war party. The same may be said of most of the Message sent to Congress on December the 7th ; for not only is the summary of the events of the half-year preceding strongly tinged with mere party feeling ; but the

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A. D. 1813. favourite and oft-repelled and refuted charges against the British government are repeated and enlarged upon, as if it were a *concio ad populum*, instead of the address from the Executive of a great nation to its legislative bodies. The sole interest attaching to such documents, is that which they share with all the other provocative publications and appliances resorted to by the scio-lists in statesmanship, who having hurried the country into hostilities, could see safety for themselves and their "policy" only in perseverance. But enough has been said to put our readers fully in possession of this part of the subject, and we may pass this by, without the least injury to the completeness of our narrative.

The matter of greatest importance mentioned in these *quasi* state-papers, was the attempt to negotiate a peace, whilst hostilities were proceeding in the way we have seen, by the mediation of Russia. The inclination of the Democratic party to this potentate we have repeatedly been apprized of; and, taken in conjunction with their resolute Gallomania, even when the most absolute of absolute monarchs—Napoleon, *was France*, it affords us a fair measure of their love of popular liberty; and of the same kind as we meet with in another quarter—their fanatical maintenance, both in practice and in theory, of slave-holding. But leaving this view of the subject, the facts were of this kind.

In the autumn of the preceding year, the Russian minister at St. Petersburg, Romanzov, suggested to John Quincy Adams, that his master could, perhaps, and certainly would, offer to mediate between the United States and their parent country. On March the 8th, 1813, Daschkov, ambassador from Russia at Washington, formally offered to the President the use of his good offices in this way; declaring, it is alleged, that "the Emperor took pleasure in doing justice to the wisdom of the United States' government, and that he was convinced that it had done all it could to prevent the rupture." From which we can draw certain conclusions respecting the Emperor, which it is very probable other sayings and doings of his will justify. Three days later, Madison formally accepted Alexander's offer, and very soon appointed Messrs. Albert Gallatin, who as finance minister for a war he disapproved held a difficult and thankless position in the cabinet; John Quincy Adams, out of compliment to the Czar, amongst other reasons; and James A. Bayard; commissioners, or envoys, to negotiate with Great Britain, under the mediation of Russia, a treaty of peace.

Gallatin and Bayard immediately embarked at Philadelphia in the *Nep-tune*, under a flag of truce, to join Adams at St. Petersburg, where they arrived about midsummer. Adams did not hear of the declaration of war until October, 1812; and did not receive the official communication regarding it till December. This was when that unparalleled struggle was over, which proved to be the first of the long series of catastrophes whereby the colossal power of Napoleon was overthrown and broken; and the offer of mediation appears to have been made by the Czar, in the first flush of his triumph, and as a trial of his capability to play the part which Russian ambition seems

then to have aspired to play,—that of umpire and arbiter of the civilized world.

Castlereagh, and the British government, then in the full enjoyment of their triumphant combinations against the French emperor, and foreseeing in his repulses at the two extremities of Europe the pledge of his ultimate downfall, declined the offer of their stipendiary ally. From the English newspapers it appears that they naturally revolted from the thought of submitting the decision of the extent of the maritime rights of Great Britain to the proposer of “the Armed Neutrality.” But two months later, they expressed their willingness to open communications directly with the United States, and proposed London, or Gottenburg in Sweden, as the place of meeting for the commissioners of both parties;—“the established maxims of public law, and the maritime rights [which to the Americans then, and to Britain herself afterwards, were merely *claims*] of the British empire,” being always excepted from the list of matters to be discussed. This offer the American envoys were unable to accept; their powers being limited to negotiating peace under the mediation of Russia; but they instantly communicated with the government at Washington, not without hopes of receiving a favourable response.

It is a little remarkable, that whilst John Quincy Adams at St. Petersburg, during the terrible invasion of Napoleon, which ended in the retreat from Moscow, was winning golden opinions from the Czar; Joel Barlow, who represented the United States at the French court, in the prosecution of the objects of his mission, (whatever they were;—they were thought to include an arrangement for the co-operation of Napoleon with the United States against Britain,) was actually journeying for the purpose of having an interview with the Emperor at Wilna,—in the Russian territory!—and had proceeded as far as Warsaw, when death arrested his negotiations or intrigues, whichever we may call them. Would not the fulfilment of his purpose have been a departure from the neutrality professed by the United States, in respect of the quarrels between European powers? Could an American ambassador have attended a potentate whilst invading the territories of another power, without affording a *casus belli* thereby? This, it seems, was like that peculiar neutrality which the Democrats wished to maintain with regard to England and France;—a truly Hibernian neutrality, since it consisted of taking sides, and that not coldly, with one of the belligerents.

Notwithstanding our familiarity with the results of this Hibernian neutral policy, we read with some wonder Madison’s tame announcement, that “the views of the French government, on the subjects which have been so long committed to negotiation, have received no elucidation since the close of your late session [when a similar confession was made]. The minister plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.” This occurs in the midst of much warm declamation concerning the wrongs done by Great Britain! And it appears not to have struck Madison, nor his advisers, that as Napoleon had contrived to bring about war between Great

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Britain and America, his purpose with respect to the latter was answered; until some new move on its part might be rendered desirable, by new combinations of his opponents, in the great game he was playing, in sight of the world!

We have in the last Book intimated with sufficient clearness the nature of the business done during this Session Extraordinary; and the pressing necessities that existed for the device of some measures for recruiting the exhausted treasury. Here, therefore, we shall not speak of these portions of what may be designated the domestic aspect of the war; but, instead, we will borrow from the pages of Ingersoll, who, as a war partisan, and tolerably strong mis-Anglicist, may be deemed a fair witness on that side of the case.

"Small border warfare," says he, "the worst of all, most wasteful of men, money, and character, was our resort during two, for the most part, disastrous years. Nowhere in the world were such costly and fruitless hostilities as those carried on over many hundreds of miles, from the swamps and wildernesses of Michigan to the mountain gorges of Canada. Armstrong insisted, that if his plan had not been departed from, success would have followed. But even though Kingston had been attacked, as he desired, instead of York and Fort George, and attacked early in the spring, or even in the winter, the whole plan of operations was radically wrong. \* \* \* The expenditures for the conquest of the Lakes," he adds, still harping upon that theory of conducting the war, which we have noticed above, as struck out by some who were not burdened with the responsibility of the failure of any plan; and stoutly advocated after the failure of all the schemes adopted by government, had demonstrated the want of wisdom in the Heads of some departments; these expenditures "would have paid for the transportation of a large army from Maine to Halifax."

"The waste of money was enormous. It was estimated, that it cost a thousand dollars for every cannon conveyed to Sackett's Harbour. The flour for Harrison's army was said to cost a hundred dollars per barrel. The multiplied incidental, but inevitable, charges of travel over wilderness regions without roads, required, among other things, thousands of pack-horses, each of which could carry only half a barrel of provisions, and must be attended by trains of other horses, with forage for those laden with provisions. The distances were hundreds of miles over trackless deserts. Few horses survived more than one trip; many sank under one." The quantity of this provision that was spoiled, was enormous. "Fluctuations and increase of prices were so great, that many contractors were ruined, and it became necessary to purchase of other persons, when disappointed of regular supplies by contractors. \* \* \* The waste of life in the American armies was also great, from want of competent surgeons, instruments, and medicines, and from the diseases caused by all these privations in insalubrious regions."

Ingersoll presents us with such a compendium of the events and issues of this campaign, as the following.

"Harrison had only recovered, at best by Indian rather than English

defeat, part of what Hull lost in 1812; and Jackson's victories over Indians, [which, we have shown, had no connexion, except that of contemporaneity, with the war against Britain:] by no means made amends for the total failure of the great enterprise against English antagonists in Canada. Perry's victory was our only great consolation; conquest of Canada less probable than ever; and that, the great American undertaking, whose failure was the principal argument of the peace party against the Administration and offensive war. Great Britain rejected the Russian mediation; enforced retaliation; resolved on severe hostilities; with nearly all the world her allies. Spain almost joined her in furnishing forts and posts in Florida for English succour to the Creeks. [This imagination has been discussed in an earlier part of our work.] Throughout Europe, Asia, Africa, and America, the United States were without an ally or sympathy, while England had them every where; was ostensibly rich, as we were apparently poor; with the tide of fortune running strong in her favour, and against us, in both hemispheres. Her President's Message, the 7th of December, 1813, under these circumstances, could only regret the failure of the Russian mediation; denounce, yet threaten, murderous retaliation; confess that there was no prospect of peace, and war the only alternative; argue some of its resilient advantages; and tell Congress, that the nation, proud of its rights, was conscious of its strength to support them."

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*Summa*,—as the old story-tellers preface the mention of any fact that forms the acted conclusion or peroration to some such practical climax as we have been tracing;—within a fortnight after Congress had received the Message thus spoken of; and in consideration of all the circumstances we have related—especially, we presume, the blockade of the coast, and the failing, nay, extinguished revenue,—and to show how zealously it was pledged to the defence of American *Commerce*, there was passed a new Embargo Act, one which forbade even the little coasting trade which the adventurous mariners of New England had been carrying on, in spite of all hinderances. And this was the Legislature's last effort in the year 1813.

## CHAPTER IV.

CAMPAIGN OF 1814, AND END OF THE WAR.—WAR MEASURES.—THE BRITISH IN THE CHESAPEAKE AND THE POTOMAC.—WASHINGTON BURNED.—OPERATIONS IN THE NORTH.—NAVAL WARFARE.—THE WAR IN THE SOUTH.—INVASION OF LOUISIANA.—JACKSON'S VICTORY AT NEW ORLEANS.—FRESH NEGOTIATIONS.—PEACE OF GHENT.

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HOSTILITIES between the United States and Great Britain had now reached the internecine stage. But the circumstances of the belligerents had undergone a considerable change. America was almost exhausted by the contest; and so greatly torn by internal dissension,—though the numerical strength of the two parties was most disproportionate,—that the breaking-up of the Confederation was confidently expected. The spirit of the war party, however, failed not. Volunteers were ever ready for limited periods of service, in the ultramontane States; and though money was more scarce than ever, and even weapons were sometimes wanting, men to fight the battles of their country could always be found.

Great Britain too was exhausted by war, but owing to the peculiar character of her institutions, and the yet more peculiar temper of her sons,—albeit that she too was rent by civil discord,—neither men, nor money, nor any of the material or moral requisites for the war were lacking. Whilst by the triumphant, though temporary, extinction of the Great European contest, she was now at liberty to direct against the United States a stronger amount of force than hitherto she had employed. Her chief attention, nevertheless, was still devoted to the affairs of the Old World, for it was with the older states of Europe that her most intimate and momentous relations, both hostile and pacific, had been contracted; and she did not understand the importance of her connexions with the Imperial Republic of the West,—she did, indeed, entertain even a contemptuous feeling for America; and continued to despatch against it small armaments, and undistinguished leaders, as if she either did not comprehend its warlike energy, or did not care for such laurels as could be gathered on its shores.

Whether the prosecution of the strife in a different manner, and so as to have secured a different issue from that which was reached on the plains of Chalmette, would have more effectually conduced to the growth of a genuine *entente cordiale* between the two countries, is very questionable; there can be no doubt that Jackson's victory, happening, as it did, after the conclusion of peace, and so without the possibility of its being avenged, has furnished the clamorous and unreflecting classes in the United States with so fruitful a theme for boasting, that no revival of hostilities has ever been needed to appease



the hunger of those classes for martial achievements. In this view of the subject, this war is not merely a matter for regret and reproach; it has actually spared Great Britain and the United States both from the cost and the horrors of a more protracted and more embittered conflict. Nor is this the only view from which we derive such feelings of satisfaction, respecting a contest which, contemplated from other sides, has appeared so unnecessary and disastrous. The government of the United States did, unquestionably, at this time, make such a stand for certain novel principles and maxims of international law, that the European nations generally, and Britain in particular, were led to the revision of that arbitrary code, with this notable result,—that on the next occasion that has arisen, Britain and the other European powers have put into fullest practice the theories of the American statesmen, and that to the manifest advantage of the whole human race,—for every individual has a direct and personal interest in the reduction and abatement of the evils of war.

What new attempts were made in the way of negotiation, to bring this contest to an end, will appear as we proceed with our story; at present we restrict our attention to the measures adopted for prosecuting hostilities with greater vigour, so as to compel a more advantageous settlement of the dispute. And in fact, both classes of measures were greatly needed, as new phases of opposition or division in the dominant party were continually springing up.

The Embargo Act, having been passed at the very outset of the session, has been spoken of in the preceding chapter. The other Acts principally bore upon the conduct of the war. Additional loans were authorized, and provision was made for meeting the large costs of the existing state of hostilities. But of those we have spoken in another place. To encourage enlistments, a bounty of a hundred dollars in advance was offered to all soldiers who should undertake to serve for five years, or so long as the war lasted; and besides their regular pay, twenty-four dollars more were promised at the expiration of their term. The same bounty, pay, rations, clothing, and forage, as the regular army received, were promised to volunteers who engaged for the same terms of years. To the orphans and widows of those who fell at sea, whether in the ships belonging to the fleet or in privateers, were granted liberal pensions. Two hundred thousand dollars were appropriated for the purpose of rewarding the crews of privateers, for the capture of British prisoners of war, at the rate of a hundred dollars a head. Seven hundred additional men were voted for the marine corps. And the militia, which had proved so undisciplined, and therefore so ineffective a force, was subjected to the rule of courts-martial, to be held in the same way as in the regular army;—greatly to the disgust of those who rejoiced in the titles, and show, and *fanfaronade* of that species of military service.

But the most remarkable war-measure was of a very different kind from these. In other parts of our narrative of the proceedings of this Administration, we have spoken of the injurious effects of the restrictions employed ostensibly to bring Great Britain to reason; and of the disaffection produced

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by them in the mercantile portions of the Union. So strongly were these consequences felt after the passing of the late Embargo, that before the session closed, the President himself recommended its repeal, and that of the Non-importation Act at the same time. The Committee on Foreign Relations of course responded to the President's recommendation, and found a very plausible reason for attending to it, in the entire overthrow of the Napoleonic system by the entrance of the Allied Sovereigns into France; and some of those who opposed the repeal, Calhoun for example, did so with the avowal (in substance) that the restrictive system was intended as a supplement to the measures of France against England. The Federalists naturally exulted in seeing their own policy prevail; and felt encouraged by this, and by the divisions in the Democratic party, to hope, but vainly, for the revival of their own influence in the nation. The export of specie was to have been prohibited, and the double duties on imports continued, as a boon to the manufacturing interest; but the proposed repeals were not effected, nor the exceptions to the change in the commercial system of the Administration made at this time. Webster and Calhoun were the great antagonists in these debates, and began now that legislative strife, which we shall see them maintaining through all their public career. Other measures, which were taken at a subsequent session\* of Congress, we will relate after we have seen how the war itself was carried on.

"Retrospect of that experiment of free government," says Ingersoll respecting this Repeal of the Embargo, "by which it outdid despotic [government] in severity of universal pressure on the community, causes admiration of the law-abiding patience of the Eastern people, [our much upbraided New Englanders!] extremely distressed by interruption of their livelihood, and though taught to evade, yet never provoked forcibly to resist, laws, which legists and legislatures denounced as unconstitutional and void. A majority believed that Jefferson was an instrument of Bonaparte's conquests, terrifying America as well as Europe, and enabling England, by the resemblance of the American restrictive to his continental system, to spread alarm that the American was part of the French scheme of the destruction of trade.

"Yet, under all these causes for forcible resistance, there was none. By industry paralysed and property depreciated, the losses were incalculable, during the seven years of embargo, non-intercourse, and non-importation, —much greater than the nearly three years of war. Nor did commercial restriction prepare for, any more than prevent, war. Angry discontent was increased, not allayed, by President Jefferson's relaxation of his experiment, on the assurance of a Massachusetts Senator, Mr. Adams, that it was indispensable to prevent resistance and perhaps disunion. \* \* \* Notwithstanding injuries and indignities, the people of New England clung to the Union, when some of their ambitious and impoverished politicians were excited to calculate and deny its value.

"Another year's war, if successful, as was probable, would have marshalled the fighting men, the yeomen of the Eastern States, under the national

banner, to which a much greater number of them than from any other part of the Union rallied in the war of the Revolution. War was infinitely less odious or painful to them than passive or supine restraint. In vain did the authors of an inglorious system of commercial self-denial plead precedents of the Revolution; when twice American Non-importation Acts forced Great Britain to yield. Jefferson's honest [this is Ingersoll's adjective, we should have employed a different one;] experiment,—bequeathed to Madison,—to govern without army or navy, and resist foreign enemies without war,—proved a total failure, more costly than war, and much more odious to the people and dangerous to the Union.”

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The story of the discontents of the New England States, and of the expression of them, has been related already; but we are glad to find in one of their staunchest opponents, such a vindication of their conduct. We may now proceed to the incidents of the war.

We mentioned the capture of Fort Mackinaw, or Michilmackinac, by the British, at the first outbreak of hostilities, and its retention when Upper Canada was invaded and occupied by the Americans;—Colonel M'Dowall had been left in command of this place, when Proctor retreated from Amherstberg; and its importance, as a means of communication with the Indians of the western territories, was correctly estimated by him. To insure the reduction of this important post, “three different expeditions,” says Alison, “were set on foot by the Americans at the same time, in spring, 1814;—one from Fort Lewis on the Mississippi, one from Detroit, and one from Chicuco. M'Dowall had under his command only two hundred and thirty-two men, of whom sixty were Canadian militia, and a hundred Indians. Out of this diminutive force he fitted out a small body, about a hundred strong, under the command of Major Mackay of the Canadian militia, who succeeded, by extraordinary gallantry, in making themselves masters of about five hundred miles of territory, and capturing and holding an American fort on the Mississippi.” But, during their absence, the American cruising squadron, consisting of two ships of twenty-six guns each, and several large schooners and small boats, hove in sight, under Commodore Sinclair, having upwards of nine hundred land troops on board. To oppose this force, M'Dowall had now only one hundred and fifty men; [not nine hundred, as Ingersoll states;] but such was the ability of the dispositions which he made, that he gained the advantage in every encounter, and drove the Americans back to their ships, with great loss. A tedious blockade was now established, but from that also the gallantry of a British officer relieved the fort. “On a cloudy and dismal night, the 3rd of September, Lieutenant Worsley,” with tiger spring, contrived to get possession of one of the blockading schooners, and two nights later, of the second,—“and the Americans were obliged to raise the siege and abandon the enterprise.”

During the winter, great exertions were made in Canada to prepare for the warfare, which the coming spring would certainly see renewed upon its frontiers. Liberal grants of money were made by the Houses of Assembly;



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the most distinguished commanders in the previous campaign received votes of thanks for their services; and the military establishment was increased till it was, according to Ingersoll, "much more respectable than that of the United States. Six battalions of embodied militia, nearly four thousand strong, other militia and provincial corps, frontier light infantry, voltigeurs, and lake sailors, at least as good as the common British seamen, constituted altogether, with their Indian allies, a considerable force *better disciplined and more obedient than ours.*"

Ingersoll speaks lightly of a great council held at Quebec, in the month of March, attended by chieftains and warriors from almost all the northern tribes of Indians. And yet it showed how deeply the deprivation of their lands, whether by exchange, or purchase, or by whatever means, had embittered their hearts against the Americans; and that this was the ground of their joining with Great Britain in the present conflict. The outcry of the American government and the Democratic party against the employment of these savage warriors of the woods, in a warfare where the belligerents were civilized nations, was this year deprived of what little propriety it originally possessed, by the enlistment of as strong a body of them as could be raised by the Administration, by a regular treaty; and under the circumstances which the following sentence indicates. "From the 20th of June till July, 1814, Generals Harrison and Cass received the tribes, to the number of one thousand warriors with three thousand followers, most of whom had been employed with the English in the war against the United States; who engaged to take the tomahawk against their old allies." We may, however, state here, that the Indians do not appear to have served the American side with the efficiency they displayed when in the pay of the British, for before the campaign was over they had either "departed," or had been "dismissed;" whilst they continued to be the portion of the British forces most dreaded by the regulars, volunteers, and militia of the United States.

The army on the northern frontier, disheartened by failure, and never subjected to very exact discipline, was rendered still more incapable by commanders without influence or military skill, and a plan of operations constructed by men who had not the power to "organize victory." At length nothing was thought of except the defence of the boundary line; Wilkinson was stationed at Plattsburgh, and Brown at Sackett's Harbour; and matters rested for awhile. Several minor affairs took place, however, at different points, and marked by various success. In one of them, Captain Holmes had the good fortune to see his victory acknowledged in the British general orders, as well as to win a majorship for himself. In another, Wilkinson lost yet more of his already diminished reputation, by suffering a severe repulse, with considerable loss, from the outpost at La Cole Mill; and he was shortly afterwards removed finally from his command.

"A more serious attempt," we read in Alison, "was made in Upper Canada, by Sir James Yeo and General Drummond, on Fort Oswego, situated on Lake Ontario;" — a station, as Ingersoll says, where large

quantities of stores and provisions, ordnance and naval equipments, were collected for additional supplies to Sackett's Harbour.—“Three hundred seamen and marines were landed from the flotilla, who carried the place in gallant style, destroyed the barracks, carried off the stores, and brought away the guns. At this time, the British had a superiority on Lake Ontario, though the Americans were assiduously labouring to augment their force; and accordingly, Sackett's Harbour was closely blockaded, and an attempt was made by Captain Popham, who commanded the blockading squadron, to destroy the [American] flotilla in Sandy Creek, which was conveying a considerable quantity of naval and military stores. This onset, however, which was gallantly made with two hundred seamen and marines, was repulsed with the loss of seventy men, in consequence of the assailants being suddenly attacked by forces three times more numerous, consisting of riflemen, militia, and Indians; the English prisoners being with difficulty rescued from the bloody tomahawks of the latter by their humane American enemies.”

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We ought to add, that Ingersoll's account of the first of these incidents presents some notable variations from Alison's. The attack on Oswego he represents as having been made by “not less than fifteen hundred soldiers, marines, and seamen;” and as being an “unprofitable excursion,” “none” of the stores falling into “the hands of the enemy,” who were “repulsed” and prevented from landing by “less than four hundred soldiers and sailors, supported by some of the neighbouring militia.” But it is very probable that the most flagrant contradictions in the two narratives admit of an easy reconciliation,—if space could be spared for the purpose.

About midsummer, the invasion of Upper Canada was once more attempted by the American forces, which had been collected at Buffalo, Black Rock, and other places on the Niagara frontier, under Generals Brown and Scott. Early in July, General Ripley was sent across the river, with two strong brigades, but not, as Alison states, at the head of nearly *five* thousand men, the whole invading army not amounting to that number. They not only effected their landing without opposition, but captured Fort Erie, and its entire garrison of a hundred and seventy men, without firing a shot. And thus, at the very outset of the campaign, Brown's good fortune was apparent.

Not far from Erie, but above the Falls, was the intrenched position of Chippewa, and having secured a stronghold like Fort Erie as a base of operations, Brown resolved to attack it. General Riall, who commanded there, could easily have checked the advance of the invaders by removing the bridge over the Chippewa river, but he omitted this precaution. His force was inferior to that of the Americans, consisting of only fifteen hundred regulars, and about a thousand militia and Indians. Within two miles of the enemy Brown halted, and drew up in regular order; and on the following day Riall left his intrenchments and accepted the challenge to battle. At five in the morning of the 5th of July the action commenced, the Canadian militia and Indian allies attacking the American volunteers, the redoubted marks-

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men of Kentucky, who stood their ground so bravely, and dealt such deadly shots into the ranks of the enemy, that not till some of the regulars came up were they driven back.

"The main body," says Alison, "now advanced to the attack in column, the Americans receiving them in line, thus reversing the usual order of the British and French in the Peninsula campaigns. The result was the same as what had there so often occurred; the head of the British column was crushed by the discharges of the American line, which stood bravely, and fired with great precision; and though they succeeded in deploying with much steadiness, the loss sustained in doing so was so serious, that General Riall was obliged to retreat with the loss of one hundred and fifty men killed, and three hundred and twenty wounded." Towson's artillery was served with remarkable skill and effect; and the victory was ascribed in no small part to a daring movement,—a bayonet charge,—by Major Jessup, in the midst of a destructive fire from the British troops. The Americans lost three hundred and twenty-eight men.

As this was the first decided victory gained on land during the war, the Americans, overlooking, and even denying, the advantages of their superior numbers, hailed it with unbounded joy, as an augury of coming triumphs. The *prestige* of British invincibility appeared to be broken on both elements; and the most confident anticipations were now indulged of the acquisition of the whole of Canada, as a second and more nobly-gained Louisiana, to add to the grandeur of the Union.

Soon afterwards, Riall, finding his communications threatened, withdrew from his intrenchments and fell back upon Queenstown, and thence to Twenty-mile Creek, abandoning Queenstown to the Americans. Brown followed him in his retreat as far as Fort George, into which Riall threw part of his forces; but there his advance ended. According to the plan of the campaign, Chauncey should have met Brown there, with the flotilla, both for supplies and reinforcements; but the British held the mastery of the lakes, and their vessels only were to be seen at Fort George, when the Americans arrived in its vicinity. There seems to have been some misapprehension on the part of Chauncey, as to the part he was expected to take in this campaign; or else, as we have seen in the case of other co-ordinate commanders, he chose rather to see his country defeated, than contribute to her triumph in a subordinate position.

Disappointed thus of the co-operation of the fleet; not reinforced as he expected; deserted by the Indians, who certainly had no reason for ranging themselves on the American side, and could not be regarded as faithful allies,—Brown had no resource but retreat, yet, resolved not to abandon the enterprise he had so hopefully begun, he formed the desperate, or, as Ingersoll designates it, heroic, determination to leave his baggage, and make a dash at Burlington Heights. For this purpose it was needful to return to Chippewa, which he reached on the evening of the 24th. General Riall, reinforced so that he now had about three thousand men, immediately proceeded from his



intrenchments in pursuit. On the 25th, at Bridgewater, near the Falls of Niagara, the two armies met, and a most bloody battle ensued, which lasted till midnight.

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Contrary to the American accounts, Brown's forces exceeded Riall's in number, and they were flushed with their recent victory. The battle began with an unexpected encounter between Scott's brigade and the artillery under Towson, and the entire army of the enemy, who had not intended to engage the Americans till the following day. The British had posted their guns, nine in number, upon a commanding eminence, from which they could sweep the whole field of battle. Towson's battery fired in vain upon them, and it was soon apparent that they must be silenced by other means, or it would be a massacre, not a fight. "Can you storm that battery?" said General Ripley to Colonel Miller. "I'll try, Sir," was the reply; and so well did he *try*, that, as the British general, Drummond, officially reported, "in the darkness of the night, during that extraordinary conflict, in so determined a manner were the American attacks directed against our guns, that our artillerymen were bayoneted by them in the very act of loading, and the muzzles of the American guns were advanced within a few yards of ours." Five of the British cannon at first fell into their hands; and, as fresh troops came up, the chief efforts on both sides were directed to the regaining, or the keeping possession of, these guns.

Meanwhile Major Jessup, who had been detached against the left of the British, driving the militia before him, gained their rear; and interposing between the troops of Riall and those of Drummond, made prisoner the former general, who had been severely wounded on the hill. Three times, in the dark, did the British vainly attempt to recover possession of the height, from which they had dealt death into the American ranks. Once, "after an hour's vehement struggle, the combatants sank to rest from pure mutual exhaustion, within a few yards of each other. \* \* During this period of repose, the loud roar of the battle was succeeded by silence so profound, that the dull roar of the Falls of Niagara, interrupted at intervals by the groans of the wounded, was distinctly heard. Over the scene of this desperate strife the moon threw an uncertain light, which yielded occasionally to the bright flashes of musketry or cannon, when the combat was partially renewed."

About midnight, Ripley, either because he expected no further attack, or because he perceived that Drummond was bringing up a comparatively fresh force, ordered the wounded to be removed, and withdrew his exhausted men from the blood-stained hill. But he was unable to carry off the enemies' guns, and he left a howitzer of his own behind him. The Americans lost in killed, wounded, and missing, about nine hundred and thirty men, besides three hundred prisoners and one gun; the loss of the British amounted to nearly eight hundred and eighty, killed and wounded, and forty-two prisoners. Every general in both armies was wounded, and every officer, except Ripley, who received several shots through his hat; and several officers had their horses killed under them. "No battle in America, before or since,

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was ever so severely contested, or attended with such casualties in proportion to numbers."

On the following morning General Brown, sending to bring away the guns, found both hill and guns in the possession of the British; and not being able to muster above sixteen hundred men, and those wholly incapable (from want of rest) of great exertion, he was fain to leave them so. Ripley then taking the command, although he was not pursued, continued the retreat to Fort Erie; and as additional precautions against the enemy, destroyed the bridge over the Chippewa, and threw most of his stores into the rapids of the Niagara. Both sides claimed the victory, the Americans, because they captured most of the British guns, and drove the enemy from his position; the British, because they recovered all their guns, and, as Ingersoll says, "*found* a cannon accidentally left" by the Americans in their retreat, and because they were eventually left masters of the field,—the Americans not only not venturing to attack them on the morning after the fight, but actually withdrawing in an almost precipitate flight. Each side also exaggerated the comparative numbers of the enemy, both as to his forces in the field, and his loss in the battle. "The result of the action was of the highest importance" to the British, "as it entirely stopped the invasion of Upper Canada, and threw the Americans, lately so confident of success, back into Fort Erie, where they were immediately besieged by a force little more than half their amount."

"Had General Drummond availed himself of this hasty and ill-judged retreat," as Ingersoll admits, "not a man of our army could have escaped." As it was, the upshot was sufficiently disastrous to the United States, and suggests, by an inevitable inference, not merely that aggressive warfare is inconsistent with the genius of American institutions, but that there could not have been much heart in either the commanders or men of these invading armies, because whatever was conquered for the Union, in this direction, would add to the weight of the Free States, which was continually increasing at a more rapid rate than that of the Slave States,—in spite of the acquisition of Louisiana,—and threatened, in time, completely to overpower it. It must not be imagined that this inference is far-fetched, or groundless;—it is nothing but the literal application to the futile displays of these fighting men, of the arguments uttered by the orators, of the Democratic party. And we have seen, again and again, how the whole *nature* of the Southern-men is so leavened with their pro-slavery principles, that every matter is discussed and determined by its bearing upon *them*, and not upon its own merits.

We borrow the compendious narrative of the remainder of the campaign from Alison, adding such elucidations as are required by the point of view he occupies, and the authorities he has relied upon:—

"The [siege] operations [against Fort Erie] were pushed with great activity; three armed schooners, anchored off the fort, were captured by a body of marines, who pushed off in boats during the night; and the defences were so much injured, that Drummond determined to hazard an assault

early on the morning of the 15th August. This daring attempt, with two thousand men to storm an intrenched camp resting on a fort, and garrisoned by three thousand five hundred, had very nearly succeeded. The assailants were divided into three columns, and the first, under Colonel Fischer, had actually gained possession of the enemy's batteries, at the point assigned for its attack, two hours before daylight. If the other columns had reached their destined points of assault at the same time, the fort and intrenched camp would have been won, and the whole invading force made prisoners. But the supporting columns got entangled, by marching too near the lake, between the rocks and the water, and came up later, when the [Americans] were on the alert, who opened a tremendous fire upon the head of the column, and threw it into confusion.

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"Meanwhile, the other column succeeded, after a desperate resistance, in effecting a lodgment in the fort, by creeping in through the embrasures of a bastion, and had actually turned its guns for above an hour upon the [garrison]. At this critical moment, the stone building in the interior, which they still held, took fire, and the flames having caught a quantity of powder placed in it, the whole blew up with an explosion so tremendous, that the troops, thinking a mine had been sprung, were seized with a sudden panic, and in spite of all the efforts of their officers, rushed in disorder out of the fort. The [Americans] now turned their whole forces upon Fischer's column, which was driven out of the works it had won, and the assault was repulsed at all points.

"In this gallant but abortive attempt, the British lost one hundred and fifty-seven men killed, three hundred and eight wounded, and one hundred and eighty-six prisoners. The loss, heavy though it was, was more than compensated next day, by the arrival of two new regiments from Lower Canada; but, notwithstanding this, General Drummond did not deem himself in sufficient strength to hazard a second assault, but contented himself with drawing closer the investment, and cooping the large American army up in a corner of the British territory, where they were rendered perfectly useless during the remainder of the campaign."

The Americans estimated the loss of the British, in the assault of the 15th of August, at "more than nine hundred men," and their own at eighty-four. A sortie on the 17th of the following month is also recorded, in which, "after an hour of close fighting, they returned to the fort, having destroyed a large part of the enemy's works, and killed, wounded, and taken, one thousand of the enemy." The loss of the Americans on this occasion amounted to more than five hundred. Salma Hale thus relates the end of the whole affair: "On the 21st of September, the forty-ninth day of the siege, General Drummond withdrew his forces, relieving the garrison from their toil, which had been incessant, and from their danger, which had been encountered without fear. Seldom have troops deserved higher praise of their country. On the 9th of October, General Izard arrived with the reinforcements from Plattsburgh, and, being senior officer, took the command. On the 18th he



CHAP. marched, with his whole force, in pursuit of the enemy, whom he found at  
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A. D. 1814, successful attempts to entice them into the field, he evacuated Canada, and  
1815. placed his troops in winter quarters at Buffalo, Black Rock, and Batavia." And so this part of the scheme for conquering the British colonies in North America ended.

Another series of incidents in the North requires notice. In July, the British attempted by a new method to settle the long-disputed question of the north-eastern boundary. Under the pretext that they considered it a part of the British dominions, Eastport, situated on Moose Island in Maine, was occupied by the troops of the enemy. The other islands in Passamaquoddy Bay were also taken possession of by the British. On the 1st of September a squadron of British vessels entered the mouth of the Penobscot, and took possession of Castine and Belfast. They destroyed all the vessels which they found there, garrisoned the former place, and thence proceeded against other places in the vicinity. All the country east of the Penobscot river, which Great Britain had formerly contended was the true St. Croix, was at the same time claimed as British territory: and it would undoubtedly have proved extremely valuable to Great Britain, could she have made good her claim, since the only convenient route between Canada and Nova Scotia crossed this very tract. Thus, as the Democrats said, "without a blow struck, part of Massachusetts passed under the British yoke; and so remained, without the least resistance, till restored at the peace. It was the only part of the United States under undisputed British dominion." They who, besides refusing to this part of the Union the protection of the regular troops, unconstitutionally ordered the local militia to serve in the invasion of Canada, ought, however, to have been sparing in their reproaches against New England.

Part of the force employed in this expedition, ascended the river in pursuit of the United States' frigate, or sloop of war, *Adams*, 28, Captain Morris, which had taken refuge in the Penobscot, when chased by the British squadron. They succeeded in driving away the militia who had been summoned to defend the ship, and the vessel was burnt after the conflict. Preparations were thus made for the setting out of a great expedition, which had been arranged in Lower Canada, to retaliate upon the Americans the invasion of their territory. The result of this attempt by the British singularly confirms the remarks we formerly made upon the defensive power of the United States, within their own borders.

Plattsburgh was at this time almost wholly denuded of troops, who had been ordered to join the expedition under Brown against Canada. Sir George Prevost, on the other hand, had received such reinforcements from the army which had driven the French out of the Spanish peninsula, that he had under his command, at this time, not fewer than twelve thousand men. Nine thousand of these, all of them veterans in arms, with a formidable train of artillery, and commanders of equal experience and renown, were collected

on the frontier of Lower Canada. The naval part of the expedition, however, which, as all former attempts had showed, was the ultimate arbiter of success, by no means corresponded in fitness and extent with these military preparations. A frigate, a brig, and twelve gun-boats, miserably equipped, and manned for the most part with soldiers and militia, commanded too by an officer with whom the few sailors in the flotilla were unacquainted, composed the force upon which the safety as well as the victory of the troops depended.

On the 3rd of September, the march was begun; and on the 6th, Prevost appeared before Plattsburgh, which then was defended by several strong redoubts and blockhouses, but manned for the most part with militia from New York and Vermont. On his approach, the American troops tore up the bridges across the small stream, which ran between the British and the town, and constructed breastworks, behind which they resisted all the efforts of the invaders to cross it. During five days, the enemy, whilst waiting the arrival of his artillery and fleet, employed himself in constructing batteries; and the American forces were hourly augmented by the influx of volunteers and militia. Some cannonading between the American flotilla and Prevost's army occurred during these days.

Considerable discrepancies, as usual, are observable between the narratives of the engagement between the two fleets, furnished us by writers on the opposite sides. But by the most accurate and trustworthy accounts it appears, that the strength of the American squadron, actually engaged, greatly exceeded that of the British squadron, which entered the action, in numbers, guns, weight of broadside, men, and tonnage. It had been arranged, that "the army should commence an assault on the redoubts, at the same time that the squadron attacked the flotilla in the bay," no doubt being entertained that, if the ships were deprived of the support of their batteries, (although they were really too distant to be of any assistance to the ships,) the result of the contest on the water could not be doubtful. Accordingly, at nine o'clock in the morning, on the 11th of September, Captain Downie, in the *Confiance*, gallantly led the way against the American fleet, which was moored in a line, so that each extremity was defended by a shoal, and "in order to close, it was necessary, let the wind blow as it might, to stand in upon the vessels, bows on."

The *Confiance* was greatly superior to any single American vessel, and would have been able, if properly supported, somewhat to counterbalance the general superiority of the flotilla. But the march of the troops against the redoubts did not take place at the time agreed on, and instead of following their commander, the whole of the gun-boats except three, and one of the cutters, took to flight, whilst one of the brigs grounded at too great a distance to take any part in the action. In consequence of this, the whole weight of the American fire was directed against the *Confiance*, with such terrible precision, that she was compelled to cast anchor at a little distance from the line for the purpose of bringing her broadside to bear. Attacking the flag ship of the American squadron, almost exclusively, she completely disabled every

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gun of her starboard side ; but M'Donough, her commander, having provided against this casualty, now wore his ship round, and presented her larboard batteries, completely uninjured, at the *Confiance*, who was unable, from the crippled state of her rigging and the motley character of her crew, to imitate the manœuvre, and therefore struck ; the other vessels, unfit to bear the entire brunt of the conflict, speedily following her example.

Prevost, on land, when at length he set his men in motion, was deceived at one point, by a most ingenious stratagem. Macomb had caused young trees to be planted in the night preceding, so as to fill up the real road through the forests ; whilst, with ox carts, and other means, he formed the semblance of a well-beaten road, leading quite away from the fort. The British, misled thus, "did not reach the point of attack till the shouts from the American works announced that the fleet had surrendered." At every point he was so hotly received, that he could make no impression on the American lines. Their commander, thereupon, "deeming his instructions not to expose the troops under his command to unnecessary or useless danger, to be imperative ; and being of opinion, that after the command of the lake was lost, no further advance into the American territory was practicable, \* \* \* gave the signal to draw off, and soon after commenced his retreat. Such was the indignation," says Alison, whom we have allowed to tell the tale of the English discomfiture, "which this order excited among the British officers, inured in Spain to a long course of victory, that several of them broke their swords, declaring they would never serve again ; and the army, in mournful submission, leisurely wound its way back to the Canadian frontier, without being disquieted by the " Americans.

We have spoken of the discrepancies between the narratives of historians on the opposite sides. An American writer says that the "whole loss" of the British, "in this expedition, was *estimated* at twenty-five hundred men," inclusive of "more than five hundred " deserters "from the retreating army." Alison, on the other side, avers that "the actual casualties in this ill-fated expedition were under two hundred men, though four hundred were lost by desertion, during" the retreat. This, however, cannot include the fleet, whose crews he estimates at above five hundred men ; and who were lost, as prisoners, to the British service. "The total loss of the Americans" on land, continues our American authority, "was one hundred and nineteen ;" and he reckons their loss on the water at nearly the same amount. The worth of complete accuracy *in minimis* is not so great as to render these differences, a matter of very profound regret. The general outcome of every series of transactions is a sufficient test of the credibility of the recorded details ; and the insight afforded into the genuine character of the people ; who are seen, in these instances, either abiding by *fact* with manful simplicity, or endeavouring to magnify their renown, or diminish their chagrin, by falsifying their Annals,—this is a full compensation for all the minor inconveniences arising from the uncertainty thus originated.

This year, the blockade of the coast was extended to New England ; but



the war party did not appear to derive any consolation from the fact. The occupation of Maine by the British, and the holding of the "Hartford Convention," were both cited as proofs of treasonable collusion with the enemy. And in confirmation of this conclusion derived from these strange premises, they asked—How were the British cruisers, all along the coast, supplied, if not from New England? Nay, this very blockade,—was it not a mere pretext for smuggling New England produce on board the ships of the blockading squadron, without difficulty or opposition? All the (Democratic) world, too, confidently believed Decatur's story,—that one night in the middle of December, 1813, when tempestuous weather promised him an opportunity of eluding the vigilance of the British vessels by which he was detained there, two blue lights were displayed on shore, at the opposite sides of the river off which he lay;—and if not as signals to the enemy, betraying his intention to escape, what purpose could they have served? Did not the authorities at Boston, also, long, with baseness absolutely incredible, to surrender the public war-ships to the British?

But, though not in New England, the coast-warfare during the summer of 1814 reached a height untried before. For, as we said, the army which had effected the deliverance of Spain from the power of Napoleon, was released from duty in Europe, by his downfall; and could now be employed against the United States. Unhappily for the brave men composing it, their great leader could not be spared from the field where, it was hoped, but without complete realization, that he would triumph in political, as he had in military, strategy. America will not readily believe that the course of affairs could have been other than it actually was; yet it is no more possible to conceive the Duke of Wellington vanquished like Pakenham, than it is to picture him victorious as Ross was, and revenging a second time the burning of a Canadian village, by the destruction of the Capitol.

Admiral Cockburn had more than once menaced Washington, in the preceding year; and much patriotic oratory, with reports of the every way perfect and complete naval and military defences of the seat of government, the appointment of a Fast-day, and satirical triumph when the squadron in the Potomac turned aside in pursuit of some other object, had shown the sense of their danger, which the Administration and the war party, generally, possessed. We shall now test the value of these reports, and see if either humiliation or triumph were indications of such wisdom in any branch of the government, as the circumstances of the nation required.

Not that the need of preparation was altogether overlooked. Nearly a hundred thousand militia were called for, by the President, without any Act of Congress; fortifications began to rise in the vicinity of exposed places; volunteers hastened to the defence of the coast; the gun-boats were collected into squadrons, to act more effectively (if they would act at all) when they seemed most to be required. Most astonishing thing of all,—half the idle and angry private discussions on the justice of the war, and its past fortunes and misfortunes, were quashed; for the protection of the country from in-

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vasion grew to be the question of paramount importance, wherever there was any wealth or shipping that appeared likely to attract the invaders. The assembling of transport ships and convoys at the "still-vexed Bermoothes," bade fair to inaugurate such unanimity in the States, as had not been known since the Declaration of Independence.

In the middle of August, the hostile squadron effected a junction with Cockburn's in Chesapeake Bay. Passing the mouth of the Potomac, the armament ascended the Patuxent, by which route it was more easy for the army to reach the metropolis; and on the 19th, without meeting with the least semblance of opposition, the forces were disembarked at Benedict, and leaving their ships there, began the march upon Washington. Including negroes and sailors, the number engaged in this daring exploit did not exceed four thousand five hundred men. The advance was slow; for not only did the total absence of resistance suggest the need of precaution against ambuscades, but the soldiers, long cooped up in the ships, were too much fatigued, by the weight of their accoutrements and provisions, to proceed rapidly. After a day or two, a few of the famous riflemen of the backwoods showed themselves to the invading force; who also caught sight of bodies of American soldiery,—now posted strongly on some rising ground, whence they hastily withdrew as the British advanced,—now rapidly evacuating some town, as the British entered,—and now enveloped in clouds of dust, as they crossed the line of the British march. Later still, at night, the outposts were conscious of the near approach of small parties of Americans, apparently intent on the capture or death of stragglers; and they were so many, in consequence of the heat of the weather, and the peculiarities of the country and climate, that the halting-places were never many miles apart. The inhabitants of both country and towns disappeared in mass before the face of the invaders.

Could a "paper-muster" (as an English writer has designated such arrays) have preserved the American territory from being violated, Washington was amply guarded. Raised to the dignity of a distinct military district, Columbia, and the parts of Virginia and Maryland immediately adjoining it, ought to have been in no danger. Sixteen thousand six hundred men had been placed at the disposal of General Winder, the chief of the district, to cover the capital. And behind that imposing force appeared at least ninety-three thousand militia, the whole strength of the Old Dominion and Pennsylvania, which had even "cheerfully" been granted in answer to the requisition of the government, for the defence of the *lares* and *penates* of the nation. But the only part of all this civic army which could not well shrink from its duty,—the artillery, actually made its appearance in the field. The strong flotilla of gun-boats was commanded by the same Joshua Barney, who once, under letters of marque on a naval commission from the French Revolutionary authorities, had plundered the merchantmen of his country, and threatened the vengeance of France if a Federalist President should be elected. But though the gun-boats, like himself, were undoubted Re-

publicans, instead of resisting by so much as a single gun fired at the enemy, the descent of this English armada, they only fled before the squadron, and sought refuge in the deepest recesses of the waters they thus had suffered to be violated. Three days after the British had landed, Barney, unable to save his vessels, blew up, or burnt, fifteen of them; the whole fleet save one, which, with thirteen merchant ships, fell into the hands of the enemy.

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Madison's position we do not pretend to describe; nor to report the proceedings of cabinet councils and other meetings, now that the war, which he never had much heart for, stood threatening at his own doors. Let Ingersoll depict for us his circumstances at this season of alarm.

"There were no funds; though the city banks proffered a few hundred thousand dollars of their depreciated, and in a very few days unconvertible paper,—as, with the fall of Washington, all banks south of New England stopped payments in coin. There were no rifles; not flints enough; American gunpowder was inferior to English; there was not a cannon mounted for the defence of the seat of government; not a regular soldier there; not a fortress, breastwork, or military fortification of any kind, within twelve miles. The neighbouring militia of Maryland and Virginia were worn down by disastrous and mortifying service, routed and disheartened. The proportion of regular troops, all of them mere recruits, never tried in fire, was like that of coin to paper, in the wretched currency; so small an infusion of precious metal, that there was scarcely any substance to rely upon."

Ingersoll has, by a very common error of judgment, transferred the uncertainty felt by the Americans respecting the object of the invasion, to the invaders themselves. But really there was no doubt in the minds of the British commanders; unless it were, whether the Americans would suffer them to secure the first prize, or compel them to be contented with an inferior one, or with none at all. They might have no cavalry, except a small and *very* irregular force, called by themselves "Cossacks," and mounted upon horses captured on the march. They might have no artillery, save a couple of guns, dragged by seamen the whole way from the ships. They might be, on the whole, a very contemptible army, and Ross a leader too much fettered by routine, and Cockburn one too little fettered by it;—but they meant to take Washington, and to destroy the Jeffersonian gun-boats as a preliminary to it. This preliminary step Barney, acting under orders, accomplished for them; we shall now see what further help in realizing their plan of operations, the Administration, with General Winder and their army on paper, contrived to give them.

General Winder's camp and army were encumbered rather than encouraged by the presence of the Executive of the United States himself, with his Secretaries of State, War, and Navy, and Attorney-general. Contradictory rumours, and, in general, "great alarm," prevailed there, and made it a scene as remarkable as that "Camp of Wallenstein" in Schiller's immortal drama. "Such was the laxity of discipline, insubordination, and turbulence, probably unavoidable in a heterogeneous assemblage on a sudden, of citizens



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armed and unarmed, that an old officer present described the camp as open as a race-field, and noisy as a fair; the militia and sailors [Barney and the crew of his flotilla] boisterous with mirth or quarrels, the countersign given so loudly by the sentinels, that it might be heard fifty yards."

On the 23rd the British, falling in with a strong body of Americans, practised a very stale trick upon them,—they wheeled off from the main road, and took the direction of Alexandria. Yet the bait took, General Winder abandoned the strong position he had seized on the main road, "harassed his troops by a needless march towards that town, and discovered his mistake only time enough to occupy the heights of Bladensburg," just before the enemy came in sight, on the following day. Before this unwise retreat was undertaken, the President reviewed above three thousand men, in Winder's camp, in the desperate hope of raising in the breasts of the disheartened soldiers, a courageous animation he did not himself possess. New bands of militia and volunteers joined subsequently; but not in such numbers as the war party boasted of, as waiting only the call of their country, to fly to her standards. One account makes the force which occupied the road at Bladensburg consist of seven thousand four hundred men; another, based upon official statements, raises it to nearly nine thousand. We may also observe, that they fully believed the invading army to number at least ten thousand men; though it really was of less than half that strength.

Leaving Winder posted in three lines, on the rising ground above Bladensburg, with twenty-six guns commanding the only bridge by which the narrow ravine and stream in his front could be crossed; let us mark the conduct of the Executive and his Heads of Departments. Every man appears to have been willing to contribute whatever he had, that was to assist in making a general and an army. Monroe rode over to the field early in the day, and counselled the loan of General Armstrong to the dejected commander at Bladensburg; the Secretary of the Treasury, whom the state of the finances had plunged in a very "Slough of Despond," lent his duelling pistols (proved, it is said, in mortal conflict on the spot where the army now stood) to the President. Madison and his staff of civilians, hearing of the approach of the enemy, and desirous of affording his countenance to Winder and his men, were very near riding into the ranks of the British, by mistake. He soon found out that he could do little to aid, and at the first onset he returned to Washington. In fact, he did only one thing worth mention, and that after consulting his cabinet officers grouped round him on horseback,—he released the brave Joshua Barney from the task of blowing up some bridges, or, as he said with considerable emphasis, being "kept with five hundred of the precious few fighting men, to do what any \* \* corporal can better do with fire;" and sent him and his jolly tars and their guns into the line, where they won the only praise which the Americans obtained on that day.

Though ready to drop with fatigue, when commanded to advance, the British pushed into the village, which the Americans had neglected to occupy.

After a short *reconnoissance*, during which the column sheltered itself from the fire of the American guns behind the houses, they made a dash at the narrow bridge, where they suffered severely both from the artillery and from Pinkney's riflemen. "If it rain militia," said Ross, "we will go on." Covered in their attack by volleys of rockets, they wheeled off to the right and left of the road, and quickly cleared the thicket of the American skirmishers, who, falling back with precipitation upon the first line, threw it into disorder before it had fired a shot. In a period of time incredibly short, and when the British had scarcely shown themselves, the whole of that line, being ordered to retreat by General Winder, gave way, and fled in the utmost confusion.

For a little time, the second line not only stood their ground, but drove back the enemy—who lightening themselves by throwing away their knapsacks, extended their ranks so as to show an equal front with the Americans—almost to the wooded bank of the river. But now the second brigade of the British had crossed, and having formed was advancing to the charge in firm array; threatened thus, and their left flank being turned, the whole American line wavered, and then broke and rushed from the field in total and indiscriminate flight. Barney and his sailors alone offered any resistance. "They were employed as gunners, and not only did they serve their guns with a quickness and precision which astonished their assailants, but they stood till some of them were actually bayoneted, with fuses in their hands; nor was it till their leader was wounded and taken, and they saw themselves deserted on all sides by the soldiers, that they quitted the field."

Not more than fifty of the Americans were killed, or wounded, upon this memorable occasion; "the only death on the retreat was said to be that of a captain of the regular army, of approved courage, who, taken with the contagion of unanimous panic, ran with the crowd till he fell, fainted, and expired." The loss on the part of the English was upwards of five hundred killed, wounded, and missing; including several officers of rank and distinction. The Americans left ten of their guns in the hands of the victors. None of their artillery, except that which the sailors worked, was fired more than twice or thrice. The British were able to bring only one of their guns into action. The conquerors in this extraordinary engagement, which lasted from one o'clock till four in the afternoon, unprovided with cavalry, and completely exhausted with heat and toil, were unable to pursue the flying Americans. Rest was so indispensable to them, that they laid down and slept upon the field of battle; nor could they resume the march till after some two hours' sleep, when in the cool of the evening, they set out towards Washington.

The few efforts made by General Winder to "methodize" the rout, and convert it into a retreat, were but partially successful. About two thousand well-armed men—including a Virginia regiment, which, though it came up the preceding evening, could not get supplied with flints, until the last gun was discharged on their side in the battle—were kept together, and halted for a moment about two miles from Washington. "But General Winder," says

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Ingersoll, "deemed it prudent to order them to fall back from the position they occupied and reluctantly left, to another nearer the city; where he contemplated making a stand. Arrived and halted there, however, he ordered them again to retire to the Capitol, where they were finally to await the enemy. There General Armstrong suggested throwing them into the two wings of that stone, strong building; \* \* \* but General Winder with warmth rejected the proposal. \* \* \* Colonel Monroe coincided with General Winder's opinion. The Capitol, he feared, might prove a *cul-de-sac*, from which there would be no escape; the only safety was to rally on the heights of Georgetown, beyond Washington. For the seventh time that day, a retreat, therefore, was once more commanded."

"To preserve order in ranks so demoralized and degraded, was impossible. Broken, scattered, licentious, and tumultuous, they wandered along the central, solitary avenue, which is the great entry of Washington. When arrived at Georgetown, they were a mere mob, from whom it was preposterous to suppose that an army could be organized, to make a stand there. And, in nearly as great disorder as the runagates, who preceded them across the fields without venturing into the city, the remnant of disgraced freemen reached Tenlytown in utter mortification. \* \* \* Broken, scattered, and disgusted, most wended their way to Montgomery court-house, fifteen miles from Georgetown, where their unquestionably brave, but ill-starred and ill-advised commander, stung with poignant sorrow, deplored that he had not at Nottingham, at the old fields at Bladensburg, at Washington, somewhere, if not everywhere, less scrupulous of bloodshed, by freer expenditure of that of his fellow-citizens and neighbours, saved the capital of his country from profanation, and its national character from indelible disgrace."

At the first alarm, the Secretary of the Navy set fire to a new sloop of war with ten guns, afloat; a new schooner, five barges, and two gun-boats; and to a large frigate on the stocks, just ready to be launched; the whole of which, with a vast quantity of stores and machinery, and the buildings containing them, were destroyed. The appearance of the fugitives from Bladensburg was the signal for a panic in the city, as well as that which had lost the battle. Amongst them might be seen the President, labouring under such excessive terror, that not even the loan of Campbell's duelling pistols had made him feel himself safe. He was even said to have ordered the bridge, by which he escaped from the doomed city, to be destroyed as soon as he had crossed, leaving those who were not so happy as to have preceded him, to get over the river in the best way they could.

Mrs. Madison, before she fled, secured "some of the most precious cabinet papers" belonging to the President, "some clothing and other important articles," and, at the suggestion of the grandson-in-law of General Washington, the full-length portrait of the first President, which still adorns the White House. We are happy to know, that after enduring great fatigue and worse alarm, the brave lady reached a place of refuge in safety. Madison might have learned a useful lesson, concerning the trustworthiness of those



who had persuaded him, that the war with Great Britain was approved by all the people, excepting the Federalist leaders of New England;—for during the forty-eight hours which followed his escape from Washington, he experienced more mortification and insult than the whole term of his presidencies else exposed him to. Armstrong was discovered in a farm-house; the other members of the Administration shifted as best they could. Some of the most valuable public records were preserved from destruction, by the exertions of the clerks in that department. Washington itself, before the arrival of the enemy, was plundered by gangs of escaped slaves and ruffians. But history is happy to learn, that although “the Secretary of the Treasury’s fine duelling pistols, which the President took from his holsters and laid on a table, were carried off, and never recovered,” the President’s own parrot was saved by the French minister’s cook.

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In the midst of this frightful confusion, the advanced guard of the British army arrived at the outskirts of the city, and a flag of truce was sent forward with a proposal respecting the ransom of the public property in the place, which of course now belonged to them as conquerors. General Ross himself accompanied the party bearing the flag. But the terms they offered were not so much as heard, for scarcely had they entered the street, when they were fired upon from the windows of a house near, and the general’s horse was killed. “Every thought of accommodation was instantly laid aside; the troops advanced forthwith into the town, and having first put to the sword all who were found in the house from which the shots were fired, and reduced it to ashes, they proceeded without a moment’s delay to burn and destroy everything in the most distant degree connected with Government.”

The two wings of the Capitol, which were the only parts finished, were gutted by fire, whereby the library of Congress and many valuable public documents perished. The President’s official residence, with the offices of the Treasury and State departments near it, shared the same fate. Great numbers of cannon were destroyed, and many others were spiked, had their trunnions knocked off, and were thrown into the river. Quantities of shot, shell, grenades, and cartridges were also cast into the river. Ingersoll, who vainly tries to palliate the panic of the American troops and officials, by exaggerated accounts of the haste of the British, in narrating their destruction of the public vessels and stores, by the order of the American Government, to prevent them from falling into the hands of the enemy, says,—“So groundless was the terror, and mistaken the policy, dictating American destruction at the navy yard, that only two brass pieces were there spiked by the enemy, whose alarm was so near akin to our own, as, in his hurry, to leave several hundred iron cannons uninjured; and also the arsenal, not far off, an important repository, of which their views and orders especially required the demolition, but which escaped both American and British madness.”

One finds it hard to believe, although the author of “the Subaltern” vouches for it as a fact, that when Madison left the field of battle, he “hurried back to his own house, that he might prepare a feast for the entertain-

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ment of his officers, when they should return victorious." Nor yet "that the feast was actually prepared; though instead of being devoured by American officers, it went to satisfy the less delicate appetites of a party of English soldiers." The panic affected no one perhaps so deeply as the President; and "Mr. John Siousa, Mr. Madison's porter, a respectable Frenchman, who still survives, pronounces all this account of food a fable." Nevertheless, Mrs. Madison is said well to recollect, that she saw Admiral Cockburn, and "his followers, halt at the pump near the Treasury to slake their burning thirst before they proceeded to the President's house." She even gives the admiral credit for having performed in her behalf "his only act of gallantry and humanity." "He sent," she says, "a message, offering her an escort to whatever place of safety she might choose." Ingersoll, however, has marked an unfortunate incongruity in the dates:—Mrs. Madison left the President's house, it appears, between three and four o'clock, but the enemy did not enter Washington till near four hours afterwards! So that there seems to be a slight probability in favour of the dinner story, after all.

This night of the 24th was indeed a night of terror. There had been indications of an approaching storm whilst the British were drawing nigh Washington; in the course of the night it rolled up, and near morning, for two hours, the city suffered from a most furious tornado. The flames of the burning Capitol, and of the numerous other conflagrations, were paled by incessant flashes of lightning; and the roar of the guns which were used for destroying the buildings and stores, and the explosions of depôts of gunpowder, were drowned by continuous bursts of thunder. One of the British soldiery, recording in after years the impressions he had at this time received, says,—"It would be difficult to conceive a finer spectacle than that which presented itself [here]. Except the burning of St. Sebastian's, I do not recollect to have witnessed, at any period of my life, a scene more striking or more sublime." Some houses were destroyed by the violence of this tornado, and about thirty British soldiers perished in the ruins.

Next day the work of destruction was continued. The War Office was burnt. The Printing Office of "The National Intelligencer" was sacked, and the letter thrown into the street. Two rope-walks were burnt, and by accident a torch was flung into a dry well in the arsenal at Greenleaf's Point, which had been used as a receptacle for old cartridges, waste powder, and other combustibles. A terrible explosion instantly ensued, the houses and buildings near were shattered and thrown down, and a great number of British soldiers lost their lives, or were frightfully mutilated. There was also some injury done to private houses and stores by the invaders, but the most trustworthy American authorities themselves declare the British to be guiltless of the worst depredations of this kind. The bridge across the Potomac was likewise set on fire,—at both ends, as it proved; for so greatly did the Americans fear pursuit, that they attempted to destroy the bridge, as the surest protection from it.

It formed no part of the enemy's design to take permanent possession of this part of the American territory; and General Ross was apprehensive of being attacked by the superior force of the Americans, which was assembling near Georgetown. He had, moreover, most fully accomplished the object of his attack upon the metropolis, and it was unsafe to attempt any thing further, at such a distance from his ships. As soon, therefore, as darkness came on, on the 25th of August, the evacuation of the place was commenced. A number of the wounded it was plainly impossible to remove; these it was determined to leave behind, and the care of them was assigned to Barney, who had been wounded and taken at Bladensburg, and who, with the other prisoners, was released upon parole, for this purpose. The watch-fires having all been trimmed, in perfect silence and order the enemy withdrew from the scene of devastation; more wounded were left behind at Bladensburg; at Nottingham they met with some of their ships; and on the 29th the whole expedition re-embarked at Benedict, without having been at all molested during the retreat.

Little comment is required upon this episode in the war. When the Administration, under strong compulsion from the war party, determined to declare war against Great Britain, the possibility of a casualty like this ought to have been foreseen, and amply provided against. It would be waste of time to declaim against the barbarous destruction of public buildings, &c., which could not be employed for warlike purposes; because, though not prohibited by the *laws* of war, it was altogether opposed to the *spirit* of modern hostilities. Upon the British Government, in conformity with whose instructions this unworthy deed was done, the whole blame must rest. It is difficult to say, whether it will be remembered most as a barbarism in war or as a blunder in policy. More than any thing else, it served to justify the extravagant accusations of the war party against the British, and to show that, whatever were the feelings with which the United States had provoked hostilities, Great Britain had entered into them with all the truculence of civil war. And this consideration completely bars the praise which else even an American would give to the skill and the daring displayed in this expedition

The only other incidents which require mention in this part of our story, are the blowing up of Fort Washington, the capitulation of Alexandria, which was spared upon paying costly ransom; and the safe return of the squadron into the Chesapeake, with all its spoil, and its numerous prizes, in spite of all that could be done by batteries on shore, and fire-ships on the water, to cut off its retreat. Public opinion requiring some acknowledgment of error on the part of the Administration, the President and Secretary of State contrived to make General Armstrong the victim. They counselled him to withdraw from public notice, until the storm should have blown over; which he did; but soon perceiving their intension, indignantly resigned his office. Whereupon Monroe was appointed Secretary of War provisionally, but without giving up his other office.

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Encouraged by the success of the attack upon Washington, the British determined next to make a similar descent upon Baltimore; and on September the 11th, a squadron made its appearance at the mouth of the Patapsco, which leads to that city. Next day, the troops were landed at North Point, about fifteen miles from the place they hoped to seize. While the land forces advanced along the northern shore of the estuary, several vessels of light draught were ordered to ascend the river, to co-operate with them in the capture of Fort M'Henry, an open fortification about two miles from the city.

For the first six miles, the troops met with no opposition upon their march. The Americans abandoned one strong position, which they had not time to fortify, and made a stand in a thick wood, through which the road passed, to the number of about three thousand. These were the advanced guard of the militia and volunteers, to whom the defence of Baltimore had been intrusted. Here the first disaster of the invaders occurred, which ultimately produced the defeat of the expedition. General Ross, who had advanced with the skirmishers to the front, was shot through the side, and expired before he could be taken to the boats. Colonel Brook immediately assuming the command, the light troops advanced, and a spirited action ensued. The artillery on both sides, the rifles of the Americans, and the British rockets, did great execution; but the Americans could not stand the bayonet charge of the enemy. A complete rout followed the advance of the British line; infantry, cavalry, and artillery, huddled together, seemed only bent upon trying which should first escape. In the two hours, during which the action lasted, the British lost about two hundred and fifty killed and wounded; while the American loss must have exceeded it greatly, since they were inferior in numbers to the enemy, had many prisoners taken, and suffered severely from the hurry of their flight. Two of their guns remained in the hands of the victors, who slept on the field of battle.

On the following morning, the march was resumed; but when Brook arrived within sight of Baltimore, he perceived the whole American army, amounting now to near fifteen thousand men, with a large train of artillery, strongly posted on the heights before the city, which were covered with intrenchments and field-works of the most formidable character. The shallowness of the river made the co-operation of the ships extremely difficult, and before they got within range of Fort M'Henry, some vessels sunk in the bed of the stream prevented their further progress. Equally fruitless was an attempt made to carry the fort by a boat attack. Brook therefore determined to retreat; for his handful of men, without the support of the ships, could do nothing against the American position. Withdrawing, therefore, in the night, the invaders retraced their steps, and were suffered to re-embark without pursuit. One fact connected with this attack upon Baltimore was very remarkable:—while the British vessels were vainly trying to throw their shot into Fort M'Henry, and the batteries were as idly replying, an American, who had gone to the British fleet to negotiate the release of some

prisoners, composed that popular song "Star-spangled Banner,"—on board the Admiral's ship.

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The naval warfare on the whole, this year, led to the same results as that of former years. Captain Porter in the *Pacific*, having refitted his vessel at the Marquesas, and established a station there to secure the means of future repairs, set out with the *Essex* and *Essex Junior*, about the end of 1813, for the coast of South America. At Valparaiso, the British frigate *Phœbe*, mounting thirty long eighteens, sixteen thirty-two-pound carronades, with one howitzer, and six threes in her tops, supported also by the *Cherub*, a brig mounting twenty-eight guns, found the American ships. The *Essex* at this time carried forty thirty-two-pound carronades, and six long twelves; her consort mounted twenty guns; altogether a much heavier armament than that of the British vessels. The *Essex*, trusting to the greater weight of her metal, for several weeks attempted by manœuvring to bring the *Phœbe* into action without the *Cherub*, having the *Essex Junior* with her; but the British captain was too wary to risk a conflict, in which he must have been beaten, and he (for his part) endeavoured by all means he could devise, to lure the *Essex* into an engagement with both his vessels. One dark night, Captain Porter, having remarked that the *Cherub* occupied the same place for several nights before, prepared and sent out a boat expedition to capture her; but it failed; for on reaching the spot, the *Cherub* was not there, and the sea all round was illuminated with blue lights, so that detected and defeated, without a stroke given or received, the boats returned to their ship.

At length, on February the 28th, hoping by the superior sailing qualities of his ship to escape from their tedious blockade, Porter endeavoured to run out of the harbour, between the British vessels and the shore. Unfortunately, in doubling the headland which closes it in, he lost his main top-mast, together with several of his men, who fell into the sea and were drowned, and was compelled to return. The enemy thereupon came down upon him, with colours flying, and the motto, "God and our country; traitors offend both," displayed. Porter immediately cleared for action, and hung out as his motto, the old—"Free trade and sailors' rights:"—which, however well it defined the position of the war party as it regarded Great Britain, did not in the least describe their commercial policy. The greatest excitement prevailed on both sides. On board the *Essex*, owing in good part to the presence of a great number of British deserters, it almost amounted to frenzy.

Early in the action, the *Cherub* was driven back, so battered by the terrible fire of the *Essex* as to require immediate repair; and the *Phœbe*, which came under fire later, received a shot in her rigging, and so many in her hull, that she too drew off; and the crew losing the management of her, she dropped almost out of shot. But the injuries being speedily repaired, the action was renewed; both *Phœbe* and *Cherub* now availing themselves of their long guns, and firing with the most destructive precision; while scarcely an American gun could be brought to bear upon them, or thrown so far as the

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position they had taken ; and they cut down the people of the *Essex* with their plunging fire, and disabled her guns, almost at their pleasure. The carnage was so frightful, that one gun of the American ship saw nearly three entire crews fall round it, in the course of the action. Finding it impossible to contend successfully against his antagonists, Porter now attempted to run his vessel ashore, and set her on fire ; but a sudden shift of the wind prevented it, and not only so, but brought her round so as to expose her to a raking fire, worse than she had experienced before. Twice she took fire ; part of her powder exploded ; she was hulled at almost every shot ; until at last, seventy-five men, officers included, were all that remained for duty ; and the colours were hauled down.

The *Essex* lost fifty-eight men killed, and sixty-six wounded ; or, including the drowned and the missing, a hundred and fifty-two were lost out of two hundred and fifty-five. "Nearly a hundred British sailors were on board the American vessel when the engagement commenced, who jumped overboard when it appeared likely she would be taken ; forty of these reached the shore, thirty-one were drowned, and sixteen were picked up when at the point of perishing." The loss of the victors was trifling, five killed and ten wounded ;—a fact which demonstrates the engagement to have been most unequal, in one respect, for the Americans ; and also the skill of the British commander, who had effected so important a victory at so slight a cost. The fight lasted for two hours and a half ; and was witnessed by great crowds of people on the shore.

Great ado was made about the violation of a neutral port, by this action just on the outside of it. And the way in which the British commander availed himself of his superiority, and manœuvred so that the American captain could not make use of the advantages which he had over his antagonists, was (as we can see by Ingersoll) spoken of as if he had been guilty of unfairness. But we must observe that the actual "violation of a neutral port," by Captain Porter, who resorted to Valparaiso as a station whence he could molest and capture the mercantile shipping of Great Britain, seems to have been considered as a perfectly proper thing ; and that nothing is ever said of the great superiority of the two American vessels over the two British in the weight of their broadsides, nor the greater advantage which the *Essex* alone had in that respect over the *Phœbe* alone. The desperation of the combat on the American side, which chiefly distinguishes it from the other naval incidents of the war, arose, as we have seen, in good part, from the presence of British renegadoes in such numbers on board the *Essex*. This fact has also been unaccountably passed over in such notices of the affair as Ingersoll has given. Historical impartiality demands these notifications concerning this fight ; and we have further only to state that the consort of the *Essex* was converted into a cartel ; that Captain Porter, on slight provocation, broke his parole ; and that the station at Nukahivah was soon broken up by the natives.

In the American waters, on April the 20th, soon after she sailed, the



Frolic, carrying twenty-two guns, and commanded by Captain Bainbridge, was chased by the British frigate *Orpheus*, of thirty-six guns; and having thrown most of her guns overboard to lighten herself, after only two shots had been fired, was captured.

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Other combats of less note and consequence also occurred; but we must restrict our attention to those of real moment, referring to Histories of the Navy of the United States those of our readers who desire more ample and minute accounts.

Captain Blakely, in the *Wasp*, 18, (nominally, really carrying twenty-two guns,) in the months of May and June running across the Atlantic, appeared off the English Channel, and began to re-enact the part played there by the *Argus*. On the 28th of June, she fell in with the British sloop, *Reindeer*, 18 also, and having in addition to her broadside of nine guns, only a shifting carronade. The British captain, on discovering the intruder, gallantly gave chase, and the American as gallantly hove to, for the purpose of fighting him. Yard-arm to yard-arm, for half an hour, the conflict lasted. Twice or thrice the British crew attempted to board their antagonist, and were repulsed; and at last the *Reindeer*, cut to pieces by the heavy metal and terrible precision of the *Wasp*'s fire, with her upper works one entire wreck, was carried by the American boarders. There were twenty-five killed, and forty-two wounded, ten of them dangerously, on board the *Reindeer*; the *Wasp* lost only five killed, and twenty-two wounded. It was admitted that the advantage in every particular rested with the *Wasp*; and the bravery of the captain and crew of the *Reindeer* elicited universal praise.

On the 1st of September, at night, another British ship of the same force as the *Reindeer*, was engaged by the *Wasp*, and with the same result; but before Blakely could take possession of his prize, another vessel of war belonging to the enemy came up, and she had to relinquish it. The disabled vessel sank almost immediately. On the 21st of the same month, a merchant brig, named *Atalanta*, was captured by the same sloop of war, and sent to America. Nothing more was ever heard of the *Wasp*, and it was believed that she sank, with all her crew, during a night engagement with a British frigate.

The blockade at New London was spoken of in the last chapter; and we have in this chapter spoken of the signals, alleged to have been displayed at the harbour's mouth, when Decatur attempted to avail himself of a stormy night, and escape the blockading squadron. According to Ingersoll, these blue-light signals were made upon every occasion that an attempt to escape was purposed. They are said to have been observed by several witnesses,—by “twenty persons at least,” on one occasion. In another instance, they continued all the night. Several times they are said to have been replied to, by similar lights and by guns, from the British squadron. The newspapers of Connecticut debated the matter very warmly. A member of Congress for that State desired to have it investigated by a committee. A vituperative political phrase, “Blue-light Federalist,” was even coined upon the

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occasion, for the benefit of the opponents of the war, which is not yet entirely forgotten. No effort appears to have been made to ascertain who they were that thus made communications to the enemy, and kept such signals burning a whole night. No effort was even made authentically to establish the fact, that such signals were made at all. The proposal for inquiry in Congress was quashed by the leaders of the Democratic party; and the only conclusion which the *facts* of the case seem to warrant, is that, whatever lights were burned on shore, none of them were meant as signals to the enemy, and that the accusation was fabricated as a means of carrying on the exacerbated political strife, of which we have spoken in other places.

In the summer of 1814, Commodore Decatur was transferred to the President, 44; and on the 14th of January in the following year, in a snow-storm on a tempestuous night, he escaped to sea from New York, for the purpose of sailing to the East Indies, "where it was thought great havoc might be made among the valuable trade of the English." Being without a pilot, in the darkness the President struck on the bar, where she remained beating heavily for an hour and a half. Getting into deep water at length, she was obliged to proceed, notwithstanding the injuries she had received. She was very soon espied by the blockading squadron, and the Majestic, 56, the Endymion, 40, and the Pomona, 38, gave chase. The Tenedos, 38, joined in the pursuit somewhat later. Decatur lightened his vessel as well as he could, and for fifty miles, along the coast of Long Island, kept ahead of his pursuers.

"Towards evening," says Alison, "the Endymion gained rapidly on the American frigate, and opened a fire with her bow-chasers, which was vigorously returned by the President from her stern guns. Meanwhile, the Majestic and Pomona fell behind out of gunshot. At length the Endymion gained so much on the American, as to permit her first broadside guns to begin to bear, and a close running fight ensued; the vessels sailing under easy way within half-musket-shot distance. Commodore Decatur suffered so severely, especially in his rigging, under their fire, that he took the gallant resolution of laying himself alongside the Endymion, with the view of carrying her by boarding, and going off with his prize, leaving his own crippled vessel to the enemy, before the other British ships could get up.

"But the Endymion skilfully avoided this risk, which, with the enemy's great superiority of men, might have been serious, by keeping at a short distance, and preserving the advantage she had gained by a fire at half-gun-shot range. Thus the fight continued for two hours longer, both vessels being most gallantly fought and skilfully handled. At the end of that time the Endymion's sails were so much cut away by the American bar-shot, that she fell astern, and the Pomona coming up, gave the President two broadsides with little or no effect, owing to the darkness of the night." Decatur, therefore, availed himself of the opportunity afforded for an honourable surrender, and hauled down his colours. His sword he gave up to the captain of the Majestic; which, with the Tenedos, came up immediately afterwards.

The prize was taken possession of by the boats of the *Pomona*. The loss on board the *President* was thirty-five killed, and seventy-six wounded; on board the *Endymion*, eleven were killed, and fourteen wounded. The latter vessel suffered most in her upper rigging, but the *President* was most injured in her hull. Nearly two hundred British seamen, most of whom were serving on board the *Macedonian* at the time she was captured by the United States, were found in the crew of the *President*, when she struck.

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"Our consolatory phrase at the time," says Ingersoll, was that the British vessels had "mobbed" the *President*. Cooper says, by way of consolation, more recently;—"Nothing would have been easier than for the *President* to have chosen her position, when she left the *Endymion*, and probably to have captured her without any material additional loss to herself, since a ship virtually without canvass, would evidently have been at the mercy of one that went out of action with royal studding sails set." Neither writer gives becoming prominence to the fact, that the *President* was superior to the *Endymion* in every respect; that the whole weight of the conflict rested upon the latter ship; and that the only effect of the participation of the other vessels in the chase, was to make the *President* exceedingly chary about attempting to board her adversary.

On the 20th of February, the *Constitution*, "after a triangular moonlight engagement," captured two British war-sloops, which she took with her to Porto Praya. But being there threatened by three heavy men-of-war of the enemy, her Captain put to sea with his captures, one of which was retaken, but the *Constitution* escaped the pursuit of the squadron. This was the last exploit of "Old Ironsides" in the war.

Shortly after the *President* had been taken, the *Hornet* and the *Peacock*, who with her were destined to the Indian Ocean, contrived to get out of New York; and without being aware of the fate of Decatur's vessel, made directly for their rendezvous, without having heard that the war had terminated. Near the Cape of Good Hope, the *Hornet* met the *Penguin*, a British vessel of equal size and weight of metal, but inferior to her in the number of her crew; and after a furious conflict, in which the captain of the *Penguin* was slain while attempting to board the *Hornet*, gained a very complete victory, a third of the crew of the British vessel being killed or wounded, and the ship itself so much injured that she was scuttled by her captors.

Joining the *Peacock* soon afterwards, they were chased by the *Cornwallis*, a British seventy-four. The *Peacock* easily escaped, but the *Hornet*, having been followed for nearly two days, and receiving several shot, was compelled to throw overboard every thing that could impede her sailing, and finally escaped with but one gun, and without boat or anchor or cable, or any part of her ship's burden that could be cast into the sea. The *Peacock* pursuing her course fell in with the British East India Company's cruiser, the *Nautilus*, 14, and although her commander assured the American that peace had been signed, he insisted that the *Nautilus* should lower her colours to him, and compelled her to strike by a broadside, which killed six and wounded



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IV. termination of hostilities; and the Nautilus was given up on the follow-  
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Thus was terminated, at sea, this memorable contest, by an act most remarkably illustrating the temper with which it was prosecuted on the side of those with whom it originated. A temper so unlike that which generally prevails in modern warfare, that we are at a loss for an expression which would accurately and dispassionately characterize it; and which we can only account for (though not justify) by the persevering efforts of the party who had kindled the strife, to inflame their fighting men with a personal animosity against the foe; and by the undisputed fact, that the American war-ships were manned, to such extent, by fugitive British seamen, who if captured would have been put to death as deserters, that they were often fought with the desperate fury of privateers or pirates, rather than with the scientific coolness and hearty and demonstrative fair-play, which are the usual characteristics of regular naval engagements. We may note it as an instance of the wonderful manner in which nations, like men, are (in some respects) "in advance of themselves," and by their generous speculations and theories do good service to mankind, whilst their less generous and worthy practice injures only a few individuals of their own day;—that although the maritime conflict was thus desperately carried on, and though such privateers as the Americans had scarcely ever covered the seas, from the times of the ruthless *Vikings* of Scandinavia; the rigid and narrow constructions of the law of the ocean, inherited by the British with the sceptre of the seas from the Dutch, were first by American statists fairly and completely exploded, and thereby a new era in the history of commerce inaugurated.

Some mention has already been made of the private armed vessels of the United States, their audacity and remarkable success. No history of this war could be complete, without a passing notice of them. Encouraged by bounties appointed by Congress; enabled, by the total destruction of regular commerce, to bring great gain to their owners; presenting just the kind of attractions which would draw to them the most reckless and vigorous of adventurers by sea and land, namely, the complete absence of discipline, and the certainty of violent excitement; affording, moreover, the amplest opportunities for the gratification of private pique, and consecrated by the appellation "*patriotic*;" it is not wonderful that these privateers, and their buccaneering enterprises, should figure so largely in the annals of the war, on the American side. Nevertheless, privateering was not universally approved. The Democrats of the Eastern and Middle States were its principal advocates and agents; and the commerce of England was so extensive and protected by so prodigious a fleet, that the results of the war, on the ocean, showed pretty nearly an equality in the number of prizes made by each of the belligerents; the total of the captures of all descriptions, on each side, (according to the most trustworthy accounts,) falling but little short of eighteen hundred; although the number of prizes made by British privateers was very small. How much

greater in proportion to the whole marine of the country, was the loss sustained by the United States, than that which Great Britain suffered, we need not stay to declare.

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We have already quoted the advice, given by Thomas Jefferson, respecting the encouragement of privateers. A few other observations we may extract from Ingersoll; which will show the spirit and extent of this predatory warfare.

"The American sea-ports abounded with seamen eager for service, and merchants to fit out privateers. Excepting the British, the American seamen outnumbered those of all Europe; to whom sea-roving was habitual, for whom storms and rocks had few terrors, and who, one and all, considered themselves, as they were, at least as good, if not better, sailors than the famous British tars." "American privateers generally outsailed British cruisers; whether because better built, better manned, or more boldly manœuvred. They sometimes audaciously exchanged shots with frigates and ships of the line, proudly styled and commanded as parts of his Britannic Majesty's royal navy. On more than one occasion American privateers captured vessels of the British navy by boarding. They ridiculed paper blockades, landed on British shores, frequented British seas, by dashing audacity defied, perplexed, and damaged British maritime authority, property, and pride." "Although combat was not the privateers' vocation, yet they seldom declined it when any thing like equal terms occurred; and it was remarkably indicative of the confidence of the American seaman in his superiority, that he often fought when it was not indispensable,—fought for victory and glory, as well as prize money."

"Besides seamanship, enterprise, and gallantry, privateers—some of them even more than the public vessels of war—developed another superiority in that contest. They were mostly better built than the British vessels. \* \* The American vessel was as easily recognised by her canvass, her hull, her masts, and her march upon the waves, as by her flag or signals. The nationality was obvious." "In the war of 1812, appeared those low black schooners, with tall raking masts, and wonderful facility of evolution, called Baltimore Clippers. \* \* Minding the helm as if understanding its orders, sailing close hauled upon a wind, those sea-racers, or skimmers of the sea, distanced opponents, played round enemies with audacious ease, broke blockades, out and in again, cut prizes out of fleets and fortified ports, performed rapid and distant voyages, blockaded, captured, burned, and destroyed, or ransomed,—executed admirably every act of naval belligerency." It is no "inconsiderable testimony of the value of the efforts, mechanical as well as marine, elicited by the struggle of 1812 with the mighty naval power of Great Britain, that a navy, the steam-boat, the clipper ship—all branches of marine advancement—were among its developments. Since then, the contest with the mother country has never ceased or relented; not in arms, with bloodshed, or often with anger, but as the wholesome emulation of free and kindred people, vying with each other in the useful arts and advantages of civilized refinements."

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And with this last sentence we are happy to dismiss the story of the naval war between America and Great Britain, of 1812—15.

In the mean time, the whole Atlantic line of coast was visited by small marauding parties of the enemy; who made very little distinction between public and private property; and if the testimony of alleged eye-witnesses is to be received, either out of mere wantonness (as having the power to carry off what they pleased), or because they were in a very discreditable state of destitution,—beside furniture, plate, wine, and provisions, took away such things as old iron, soap, candles, the buckle of a stock, a carpet, a razor, the linen from a laundress's washing-tubs, and "actually scraped the quicksilver from the backs of broken mirrors." How galling, warfare carried on in this manner—where the insults were worse than the injuries—must needs be, every one can feel; but they practised upon the Southern States, in addition to attacks like these, a far more profoundly irritating species of hostility. Before the armament, which wrought such woe at Washington, had left the shores of Europe, Admiral Cochrane, who commanded at the American station, issued a proclamation, exciting slaves to escape from their owners, and promising them protection, under the provokingly ambiguous and respectful designation of "*persons desirous to emigrate from the United States!*"

Hostilities of this semi-piratical sort were even commenced in the Gulf of Mexico; but an attempt made by the British to secure the co-operation of a company of genuine pirates at Barataria, who, under the flag of Carthagenia, had been guilty of such atrocities on the Spanish main, as had not been heard of since the days of the Buccaneers, completely failed; the Lafittes having, as Ingersoll candidly and joyfully proclaims, too much sympathy with the United States,—meaning, we presume, the Southern States, to allow the British offers to be acceptable. "The Baratarians, accordingly, enlisted in the service of the United States, proved excellent artillerymen and marksmen, and were deservedly applauded in general orders for their good conduct. On the 6th of February, 1815, the President eloquently proclaimed their full pardon;"—for, we must add, in the preceding September and October, a war sloop with six gun boats had completely broken up the establishment at Barataria, and the services rendered by the dispersed pirates, under General Jackson at New Orleans, were accepted by the Government as the proof of so "sincere a repentance," as to warrant the commutation of the "exemplary punishment," which justice pronounced them worthy of, into a "generous forgiveness."

As we have related in the last chapter of the preceding Book, the openly hostile relations of the United States with Great Britain were perplexed by their entanglement with the secretly hostile movements of the former country against Florida. Some account of these movements, at least as far as they arose from the encroaching spirit of adventurous individuals, we offered then to our readers. We are unable to show the part taken by the government of the United States in these movements, since some of the most important State Papers, relating to this business are marked in the authorized



publication, "not to be found." The suspicions entertained respecting British complicity in the Creek wars have been discussed in the same place ; to which we refer, for an account of this aspect of the hostile relations of America.

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It remains, however, to be stated, that during this summer of 1814, the British did undoubtedly effect the landing of a small force at Pensacola, and received into their service there many of the Creeks, who had escaped General Jackson's exterminating sword. It happened that there had been raised, at the end of a tongue of land in Mobile Bay, a redoubt, called Fort Bowyer, mounting twenty guns, and garrisoned by one hundred and sixty men. It had been erected with a view to ulterior operations, in the direction of Florida ; but had been neglected as insufficient for either attack or defence. Jackson however, who was appointed this autumn commander of the Seventh Military District, discerned the use that might be made of this exposed station, to delay the advance of a hostile force against Mobile, which was only thirty miles off ; and armed and manned it, as has been stated.

Meanwhile, the force under his command at Mobile, justly seeming to him too weak to offer any effective resistance to the enemy, and knowing how tardily the orders of the government were attended to, Jackson, as soon as he heard that the British had landed, sent the most pressing requests to the government of his own State for assistance. But promptly as the "Volunteers of Tennessee" responded to the summons of their favourite leader, this little campaign was finished before they could reach his standard. On the 12th of September a squadron of two sloops and two brigs appeared before Fort Bowyer ; a body of soldiers, marines, and Indians was landed to attack the fort in the rear, while the ships bombarded it from the bay. Ingersoll says, that the men composing the garrison were not artilleryists, and that their means were extremely slender ; nevertheless, they not only endured for three hours a bombardment from four ships of war, and a mortar battery on shore, but returned it with such hearty good will, that the enemy was glad to escape with the loss of more than two hundred men, and one of his ships, which having its cable cut by a shot, drifted so close to the fort, that its crew were compelled to desert and burn it.

Such was the first disaster of the British in the South ; the effect of which upon the American forces in that quarter, was as great as that of the first victory at sea had been, in encouraging the hope of triumphing over British invincibility. "In the campaign which began and ended at Fort Bowyer," says Ingersoll, "General Jackson acted without specific, if indeed any, orders, sometimes almost against orders, performing exploits of warfare and civil administration, which paved his way to the Presidency."

Discovering that the British were admitted at Pensacola, on their retreat from Fort Bowyer, Jackson without any difficulty came to the conclusion, that he must occupy that place. He had already sent several urgent requests to the Secretary at War, for permission to do so ; which had at last and reluctantly been accorded,—and then timorously countermanded, Congress having

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got wind of the matter, and inquired what actually were the relations of the United States with Spain. Neither of these communications, however, reached Jackson in time to influence his proceedings: a circumstance which occasioned him not the least embarrassment or hesitation. "His authority to call out militia was exhausted, or fulfilled. Military chest, or funds, he had none, or scarcely any." But he had his Tennessee riflemen, together with the scanty force placed under him by government; and with them he determined to drive the enemy out of Pensacola, and compel the governor to observe an *American*, instead of a *British*, neutrality.

Accordingly, he advanced upon the place with a force of about four thousand men, including Indians, (for these savage auxiliaries were now regularly employed by the government of the United States;) and on the 6th of November reached it, and immediately sent a flag with a message to Manriquez. As it advanced, the fort opened its fire and compelled it to return. Encamping, therefore, for the night, and discovering (or believing that he had discovered) that the place was defended by British, as well as Spanish soldiers, he determined to storm it on the next day. On the morrow, deceiving the Spaniards as to the quarter on which he meant to attack them, three thousand men, in three columns, were marched along the beach, so as to avoid the fire of the fort and the shipping. Approaching the town, the advance of the artillery being retarded by deep sand, the middle column was ordered to charge. It advanced briskly to the attack; entering the principal street, a battery of two guns opened its fire upon it; but it was immediately carried by the Americans at the point of the bayonet; and the governor directly afterwards surrendered the town and fort unconditionally. The British did not appear in this affair, but Jackson says, they abandoned a fort at the Barancas, seven miles below Pensacola, on the night after his arrival; and on the day after he captured the town, blew it up. After occupying Pensacola two days, perceiving that no more annoyance was to be expected from that direction, Jackson restored the place to the Spaniards, and returned to Mobile. Thence he proceeded westward, to arrange measures for the defence of New Orleans, which seemed to be (as in fact it was) the point against which the attack of the British was next to be directed. "There," says Ingersoll, who warms upon the occasion, till he half believes himself a poet, "there, like the American eagle perched, surveying the vast expanse of sea and shore, forest, morass, rivers, and lakes, of an alluvial region, anxiously watching the approach of the British lion, a Tennessee warrior, who had hardly ever encountered a regular soldier, took post." And there, for the present, we will leave him.

Jackson's independence of the Federal authority was no more than a "flagrant instance" of the spirit which animated the leaders in all the States along the coast. Even in New England, fortifications were raised for the defence of the most exposed places. Above a hundred and twenty-five thousand militia, it was calculated, were under arms, at the command of the governments of the several States. The Democratic party, which at first

accused the Federalists of trying to establish too strong a National Government, and afterwards accomplished an almost despotic centralization, were at this very time charging their opponents with the attempt to dissolve the Union, and yet it was by their own measures that this actual independence of the general authority of the Union was effected.

Whilst the events which were last related were proceeding in the South Congress, summoned at an earlier period than was usual, met amid the smoking ruins of the Capitol at Washington. The Message, sent on the 20th of September, began by accusing Great Britain of needlessly continuing the war, and manifesting "increased violence" in her warlike operations; and attributed it to the absence of all check upon her "overbearing power on the ocean," and "the intoxication of success," leading her to cherish hopes of "still further aggrandizing a power, already formidable in its abuses to the tranquillity of the civilized and commercial world." It next proceeded to give a most encouraging picture of the events of the campaign, as far as they were then known; and drew, from both victories and defeats, the comfortable conclusion, that "the longer the enemy protracted his hostile efforts, the more certain and decisive would be his final discomfiture."

Nevertheless, it added, "it is not to be disguised, that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it, in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts, and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and in its worst forms may be looked for." It therefore called upon Congress to deliberate only "on the means most effectual for defeating the extravagant views and unwarrantable passions, with which alone," it said, "the war can now be pursued against us." Reference was also made to the negotiations attempted under the mediation of Russia; and to the delay in the commencement of a direct negotiation, which Great Britain herself had proposed; of which things we shall speak subsequently.

In the first chapter of the preceding Book, will be found an abstract of the financial schemes, by which Dallas, the new Secretary of the Treasury, proposed to save the country from internal dissolution and hostile violence at the same time. Of the grand scheme of Monroe, for recruiting the army, and putting the country upon a war footing on the largest scale, we will speak now.

The object of this scheme, as unfolded by the proposer, was to complete and preserve the existing military establishment of sixty-two thousand four

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hundred and forty-eight men; and to raise, for the defence of the cities and frontiers, an additional force, permanent like the regular army, of at least forty thousand men. "Such a force," said the new Secretary at War, "aided, in extraordinary emergencies, by volunteers and militia, will place us above all inquietude as to the final result of this contest. It will fix on a solid and imperishable foundation our Union and independence, on which the liberties and happiness of our fellow-citizens so essentially depend. It will secure to the United States an early and advantageous peace."

Four plans were suggested for accomplishing this object,—to draft men from the militia into the regular service;—to classify the whole militia of the States in three divisions, according to age, each class to serve two years, when required;—to exempt every five men, who should supply one as long as the war lasted, from militia service;—and to recruit in the ordinary way, but instead of one hundred and sixty acres of land, given as bounty at the outset, it was proposed to give each recruit a hundred every year that the war lasted. The first of these plans best pleased the Secretary; who regarded it as less costly, less burdensome to the people, and more effectual against the enemy. The first bill, therefore, proposed the division of the whole white male population of the country, between the ages of eighteen and forty-five years, (that is, the whole militia of the United States,) into classes of one hundred each; by assessors selected from the county courts or the militia officers of the counties, or from the county generally. And each class was to furnish and maintain, under penalties, one man or more, for the national service. The bounty was to be paid, not by government, but by the inhabitants of the district to which each class belonged, according to the value of their property; and to be levied on the property, if not paid within a given time.

Many even of the war party shrank from a scheme, which the opponents of the Administration at once branded with the odious name of *Conscription*. The following passage, extracted from Dwight's "History of the Hartford Convention," exhibits the views entertained by the Federalists of New England.

"This whole system is founded upon the simple basis of arbitrary power in the National Government, over the militia of the States. Voluntary enlistments are entirely discarded, and a hundred men, arbitrarily classed together, and their property as arbitrarily assessed, are to be forced to raise a specified number of soldiers, from the list of names in their class, and pay them their bounty-money; and in case of failure, to pay a round sum of money, in fact as a penalty, to be levied and collected from their property, and applied, of course, to the use and benefit of the United States. This was a conscription of the most detestable kind, intended to be introduced into a nation living under a written constitution of government, and nominally enjoying the benefit of laws, to protect their persons and property against the arbitrary exactions of despotic power. Although rather more insidious in the manner, it was intended to be equally efficacious in its effects with the conscription established in France by Bonaparte,—the object of it being twofold,—first, to recruit the regular army by force from the militia; and secondly, to replenish

the Treasury of the United States, not by a forced loan, but by an exaction from a certain portion of the community, equally unwarranted by the constitution of the country, as is the demand of a man's purse upon the high-way by a footpad."

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"Early in November," we are informed by Ingersoll, "the senate of Connecticut resolved that the conscription bill before Congress was unconstitutional, tyrannical, and oppressive, and directed the governor, as soon as informed of its enactment, speedily to convene the legislature, to pass such laws as should be necessary to protect citizens of that State from such oppression. The House of Representatives concurred in that resolution by a large majority, including many Democratic votes; and vexatious legal resistance to an Act of Congress would have ensued, if the conscription had been attempted in Connecticut." The Houses differed as to the best plan for augmenting the military force of the country. In the Senate, a bill was introduced on the 5th of November, authorizing the President to call on the States and Territories for their respective quotas of eighty thousand militia, for the defence of the frontiers, provision being also made for filling up the ranks of a regular army. Three bills were introduced into the other House; the first was not much unlike the measure proposed by Monroe, in principle; the second provided for the defence of the frontiers; and the third authorized the acceptance of the services of volunteers. The enlistment of minors above the age of eighteen, without consent of masters or parents, was also authorized; the bounty to recruits was increased to three hundred and sixty acres of land; and every one who should furnish a recruit, was promised exemption from militia service during the war.

The chief objections urged by the various opponents of the Administration, were chiefly founded upon the unconstitutionality of the assumption of authority over the militia, by the central government. "One general principle is," said one member in the House of Representatives, "that the militia of the several States belong to the people and governments of the States, and *not* to the government of the United States. \* \* This militia, being the very people, belong to the people, or to the State governments, for their use and protection. \* \* Neither the people, nor their State governments, have ever surrendered this their property in the militia to the general government, but have carefully kept and preserved their general dominion or control, for their own use, protection, and defence." And then he proceeded to expound the clauses in the Constitution, bearing upon this momentous question. Monroe had endeavoured, though in vain, to provide against this class of objections, by insisting that, "the men are not drawn from the militia, but from *the population of the country*: when they enlist voluntarily, it is not as militiamen that they act, but as citizens. If they are drafted, it must be in the same sense. In both instances, they are enrolled in the militia corps; but that, as is presumed, cannot prevent the voluntary act in one instance, or the compulsive in the other. The whole population of the United States, within certain ages, belong to these corps. If the United States could not

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But it would be useless to follow this long debate through all its windings; we will, therefore, merely indicate some of the more prominent points of it, and declare the conclusion which was arrived at.

The most effective point made by the orators of the war party, was that by Troup of Georgia, the introducer of the whole subject. This gentleman drew from the archives of government, the message sent by General Washington to Congress, in January, 1790; which contained a plan, devised by Secretary Knox; wherein, after due eulogy of the militia system, and due condemnation of the system of voluntary enlistment, was suggested a division of the whole militia of the United States, into *classes* of twelve men each, from each of which the Federal government should draft one man for the regular army. But the introduction of Washington as an authority, by the Democratic party, was felt by all to be an impropriety; and, therefore, it could not conduce to the success of their measures.

Some warmth of feeling was excited, as was invariably the case, whatever the subject of debate, by allusions to the peculiar "institutions" of the South, where there were no apprentices, and, therefore, where the pressure of one of the government bills would not be felt at all. But although the bill releasing minors from their obligations was carried; the principal portions of the scheme were rejected, in consequence of a dispute between the Houses arising out of an amendment, proposed by Jefferson's son-in-law Eppes; and, in consequence, all that the government could effect, was the passage of a law, making further provision for filling the ranks of the regular army, by which recruiting officers were authorized to enlist all free, able-bodied, effective men, from eighteen years of age to fifty, allowing recruits that were under age four days after enlistment to withdraw it, and giving the masters of apprentices who should enlist part of the bounty-money. The bounty in land, due to soldiers and non-commissioned officers when honourably discharged from service, was doubled; and a clause was added, by which it accrued to the next of kin, in cases where the recruit was killed, or died in the service. Other provisions of these Acts have been spoken of already.

It is worthy of notice, that in a report from the Secretary of the Navy, recommending a better organization of that branch of the service,—notwithstanding the manifest failure of Great Britain; notwithstanding the insulting reproaches unsparingly dealt out to her by the Democrats generally, on account of it; and the boast, that British impressment was the strength of their own Navy;—a plan of *impressment* was actually proposed; and Monroe's scheme for drafting from the militia was referred to, as an established legal right, although it was not so fortunate even as to receive the support of the Legislature. This plan of course fell to the ground with the other, upon which it was thus based.



"It is highly probable," writes Dr. Sullivan, "that if it had been attempted to enforce the system of impressment and military conscription *by law*, the government would have come to an end. The citizens of the United States could not, and would not, have submitted themselves to its operation." It was, we know, the terror of this conscription, that, more than any thing else, led to the assembling of the "Hartford Convention;" an account of which we have given in the last Book. To that Book we must also refer for an abstract of Dallas' financial schemes, which engaged the attention of Congress during the present session.

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Of the negotiations at Ghent we shall speak in conclusion. One subject which engaged the attention now, was Madison's more than chivalrous sally in behalf of the three and twenty Irishmen,—*"American Soldiers"* he called them,—who were taken at Queenstown in the autumn of 1812, and sent to England to be tried for high treason. We have given the particulars of this knight-errantry in another place; here it will be enough to remark, that this excessive zeal in the United States for the Irish has very singularly met with an appropriate recompence. Dictated by more than Jeffersonian mis-Anglicism, it grew, through the too plentiful pabulum supplied by England's "chief difficulty," to proportions exceeding the sublime. It will be needful to note the subsequent progress of this madness, because at the present time [1854], the "foreign element" promises, spite of the summary measures determined on by the "know-nothing," to become America's "chief difficulty," after it has ceased to give any trouble to the old country.

Here we may most properly mention the trial of General Hull, for the surrender of Detroit some two years before. The old man contended, that he could not have attempted further resistance, without exposing the population of the whole Territory to the vengeance of the Indians. Had he been tried at an earlier period, it is possible that a less severe sentence might have been passed upon him. As it was, treason was imputed to him as well as cowardice, and being convicted of the latter offence, he was sentenced to be shot. Being, however, recommended to mercy, he was pardoned by the President, and dismissed from the army; and with this sentence, the warmest antagonists of the Administration admitted that they were satisfied.

We must now direct attention to Louisiana; where we left Jackson endeavouring to make good the defences of his District against the anticipated descent of the British. There was more than enough to occupy all his care, the indolence of Flournoy, and the removal of Wilkinson to the North, before his defensive preparations had been half completed, had left the capital city of the South entirely unprotected. "The magazines were empty, there was a deficiency of munitions and stores, of clothing and ammunition, and all the requisites of defensive warfare. There were no funds and no credit. The banks paid no coin, of which the rich hoarded what they had. Committees of the legislature and self-constituted committees of safety differed in their projects. All business was at a stand, confidence annihilated."

New Orleans itself seemed wholly unable, or disinclined, to take up arms

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against the threatened invasion. The peculiar character of its population, in part French, in part Spanish, in part Anglo-American, with a vast servile class of African origin ;—its principal occupation, trade ;—its wealth, with the inevitable consequences in a warm climate and a Slave State,—the most unbounded profligacy and luxury ;—these things were altogether unfavourable to the existence of a spirit, which would contend to the death, *pro aris et focis*, against an invading foe. Worse than all the hinderances arising from the motley population, with its various tongues, its indolence and cowardice ; and from the divided counsels of its public officers, and the few of its private citizens who were not overwhelmed with despondency ;—there was treachery to contend against. Disaffected persons, foreigners,—if people of any nation could be deemed so in this mart of the world,—were said to be in New Orleans, who discouraged the disposition (of itself faint enough) to resist the approach of the enemy ; and, according to the account furnished us by one of Jackson's biographers, communicated to the enemy every species of information which could be helpful to him, and injurious to the United States. Add to this, that the city was without fortifications, the militia in want of arms, many of the muskets without flints, some persons armed with pikes only, the whole regular force under a thousand in number, and those raw recruits ; while it was uncertain if the militia of Kentucky and Tennessee would arrive in time, or (indeed) whether they would come at all. Jackson himself, too, was enfeebled by disease ; but he possessed, in addition to inflexible resolution, that inestimable quality in a military commander,—the capability of concealing his private feelings under a perfectly composed exterior.

Before he left Mobile, Jackson directed Governor Claiborne to close, as well as he could, the communications between the river and the lakes ; and issued a proclamation, summoning the free people of colour, whom he styled for the occasion “ noble-hearted ” and “ generous,”—“ to embody themselves and arm for the defence of the country, of which,” remarks Ingersoll, “ though inhabitants, they were not, and never could be, citizens.” Immediately on his arriving at New Orleans, in the first days of December, “ he called, through the governor, for large gangs of slaves, the only workmen to withstand the climate,” says Ingersoll, that he might erect fortifications in the marshes ; and they were furnished in greater numbers than he required. Lest, however, we should think that this generous promptitude was the virtue of their *owners* alone, Ingersoll takes care to add, that, “ if necessary,” these poor bondsmen were “ ready to be embodied and led to action against the British.”

Gradually, there was infused into the citizens of New Orleans itself, at least, the resolution to oppose the enemy, if not the hope of doing so with success. For, intent upon increasing his forces to the numbers which he deemed necessary for making the stand he had determined on, Jackson had admitted into his ranks the Baratarian pirates, of whom we have spoken already ; and had actually released and embodied the convicts in the prison ;

—from Lafitte, too, he procured enough pistol-flints to render the flintless muskets serviceable for a time ;—and every class of the community received incessant and most pressing intimations of what the indefatigable general expected of it, in aid of his great undertaking.

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At length, on the 8th of December, in the midst of these preparations, the British squadron appeared off the shoals of the Mississippi. After all the efforts which had been made, the affected secrecy, the unspeakable terror which heralded the arrival of the force, the speculations regarding its ultimate destination, whether the plunder of New Orleans merely, or the detachment of Louisiana from the United States,—after all, it is amazing to read, that the army that was to do, and had already done, such wonders, amounted to no more than some five thousand combatants, in all ; whilst, owing to circumstances, “ there were not more than three thousand four hundred men, upon whom a general could fully depend ! ” Ingersoll reckons six thousand, but without sufficient authority. Others have even doubled this last number, —drawing, without acknowledgment, on their imaginations. For though the age of legends has passed away, the faculties which produced the legends still exist in every man, and under favourable circumstances, will start forth into most energetic action,—to the infinite perplexity of historians of after-times, and somewhat, also, to the discredit of the injudicious and unconscious legend-manufacturers.

We are not called upon to explain at length the natural defences of “ the Crescent City,” its peculiar situation, the difficult navigation of its large river, the vast lagunes, with their intercommunicating creeks and channels, and the impassable swamps which breed pestilence around it,—these are known to all our readers ; and every one of these things was a defence against the foe. At New Orleans there was, too, one detachment of Jefferson’s “ cheap and effective ” national defences,—the famous gun-boats ; and the first exploit of the invaders was the destruction of this flotilla. Attacked by some fifty barges and launches, mounting nearly double their number of guns, and manned by crews more than double the total of theirs, after a desperate resistance, they were taken and destroyed ; and there were now only two public vessels left to dispute the passage of the invaders up the river, the *Louisiana*, 16, which had been bought, armed, and manned with an *impressed* crew, at the last moment, and the *Carolina*, 14, commanded by Captain Patterson, who was the principal naval officer at the port.

Jackson made admirable use of this advance of the enemy, and his dearly-bought victory, in “ the battle of the boats.” Every measure of defence was pushed on with redoubled speed and energy ; thrilling addresses called the brave to arms, and for a season made all who read them courageous ; a levy was ordered of the whole civic soldiery of the State, and the governor put himself and his militia entirely at Jackson’s disposal ; fortifications rose here and there ; the General’s eye seemed to be on each part of the work, and all moved on rapidly towards completion ;—even the men of Tennessee and Kentucky, keen of sight, sure of aim, unequalled in combats where the rifle



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was the weapon employed, were likely to arrive in time to share in the glory of withstanding the invaders of the Republic.

On the 15th, two days only after the destruction of the gun-boats had given the British the command of lakes, and rivers, and every other way of access to New Orleans,—the General, finding the proceedings of the State legislature far too slow for the hot haste, with which events were moving, and that the proposal to suspend the *Habeas Corpus* Act, which either he or Patterson had made, for the purpose (worthy of note, on our part) of facilitating the impressment of seamen for the Louisiana, met with no acceptance,—Jackson proclaimed *Martial Law*; and the legislature, after a feeble attempt to resist, enacted a law, which might connect the regulated proceedings in matters commercial after the removal of this overbearing external pressure, with those which preceded the imposition of it.

"Martial Law was expected wherever Jackson came;" says Ingersoll. "A meeting of the most respectable citizens, civil and military, at his quarters, Hall, the District judge of the United States, together with other judges and eminent lawyers, among them, unanimously recommended it; and declared, as soon as it went into effect, that it would save the State. Its operation was instantly excellent. All the brave and patriotic thronged to Jackson's banner. The whole of Louisiana became at once one vast camp, animated by one superior spirit, controlled by his iron will. The genius and firmness of one man constrained the prejudices and concentrated the energies of the entire chaotic community. From heterogeneous, inert, discordant, and even traitorous materials, a mass of invincible force was combined, which crushed a formidable invasion." In a similar vein writes Putnam Waldo, one of the General's biographers:—"the citizens of New Orleans and its environs were for a few days [it was *three months*] deprived of their accustomed privileges. But the patriotic part of them endured the privation with pleasure, since it prohibited the perfidious and traitorous part of them from holding an intercourse with the enemy, calculated to aid them in the subjugation of it." By which (although the writer has plainly supposed that *grammar*, like all other things concerned in rule and government, was placed under law martial, and not like them released;) we can see how Jackson's conduct was regarded in the country at large.

Of this more will appear in the sequel; but we may credit Ingersoll's assertion that the declaration of Martial Law was, with Jackson, no empty formality. Disputes with the State legislature rose even higher: honourable members could not be made to understand, that, at this particular juncture, the enemy coming every day nearer to the city, "parliamentary eloquence" was *not* the one thing needed; but precisely that which Jackson could supply—adequate military skill and daring. Much pressed to inform the Senate what his plans were—he averred that he would cut the hair off his head, if he thought it had divined his intentions; and added, "you may expect a warm session, if I am driven from my lines into the city!" Domiciliary visitations, in search of arms, and of any thing else that could be used for the

defence: the enrolment of all men capable of bearing arms; the prohibiting of any one from going abroad after nine o'clock at night, except by special permission;—these measures, and others more insupportable still—such as the grim joke of compelling of a person who complained that some cotton of his had been taken from him, to shoulder a musket as if to defend it,—these things did undoubtedly look very much like “despotic severity;” but martial law includes any and every step, which appears to him who proclaimed it, requisite for securing the object he has in view; and although the theory of Democracy and State-rights was opposed to Jackson's course, he was not the first who in practice renounced his party principles, and the odium ought rather to rest upon those who made such ‘rigour necessary. Moreover, as Jackson was appointed to repel the invaders, not to negotiate with them, nor to do at New Orleans what Hull had done in the North, there was only one plan that his opponents should have adopted, to charge him before the judicial tribunal of the Union, with the violation of the Constitution, and leave him to its sentence, after all the circumstances of the case had been ascertained and considered. One instance, in which this was done, will come under our notice before we conclude this chapter.

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After that affair with the gun-boats, the British expedition, not being able to advance in the transports and war-ships up the river, landed in force on a swampy island, called Pine Island; and here the first sufferings of the army began. Drenched with rain by day, stiff with frost at night; without sufficient food, in a pestilent atmosphere, having no means of maintaining the bodily and mental health of the men; it is a wonder that it did not become wholly disorganized at the very outset. Nothing but the high state of discipline can account for its preservation. The black troops suffered most severely; unused to such a climate, many of them perished with the cold every night. When all were assembled on this spot, they were eighty miles distant from the place that was fixed upon for the landing, and the whole of the way was to be accomplished in boats.

On the 23rd, the first division, consisting of sixteen hundred light troops, under General Keane, was safely landed in the midst of a huge wilderness of reeds beside one arm of the Mississippi, and at once advanced towards the city. One party of this division succeeded in capturing the whole of Jackson's most advanced piquet, and thus they were enabled to move forward without the least impediment. About noontime, having left the swamp for the cultivated region, they surprised another outpost, but carelessly allowed one man to escape, who was the first to announce at New Orleans the arrival of the enemy.

It is a question whether they might not have succeeded in capturing the city, which was then almost in sight, had they attacked it immediately. The *prestige* of their victories in the Peninsula might have compensated for their want of numbers, and the subsequent course of events, both in England and America, been altogether different. Instead of this, the young general halted his men within pistol-shot of the river, without the least pretence of conceal-

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ment; and they piled their arms, and a regular bivouac was formed. Reconnoitring parties sent out in different directions brought back no tidings of an enemy in sight; and the foragers collected from every house they could enter with safety, (to Ingersoll's infinite disgust,) no end of good cheer, which was consumed by both officers and men with the greatest satisfaction and mirth.

About half-past seven in the evening the first interruption to this scene of careless hilarity occurred; for the momentary appearance of a few horsemen had occasioned them no concern. The watch-fires had just been replenished, and preparations were almost completed for passing the night, as comfortably as circumstances would allow, when a large vessel was observed just anchoring near the opposite bank of the river, and furling her sails most leisurely. At first the British thought it was one of their own ships, which had made its way so far up the stream; but no answer was returned to their anxious hail. Several musket-shots were discharged at her, but without producing any reply. At length, having made fast all her sails, and brought her broadside round to bear on the invaders, on the word—“*Give them this for the honour of America!*” a deadly shower of grape was discharged amongst them. They had enjoyed, in those few hours, the only respite from mortal conflict which was allotted them during the whole time that they were upon American ground.

Whilst the British, who had discovered that they had no means of returning the fire of the American vessel, were sheltering themselves in the best way they could from its terrible discharges of grape and round shot, on a sudden, through the densely black night, a new terror burst upon them. After no more warning than a scattered, or dropping fire, at the extreme outposts, they were roused by a fearful yell, and a simultaneous discharge of musketry on almost every landward side of them. They were in fact surrounded by a greatly superior force, and, had it consisted of regulars instead of militia and volunteers, they might have been compelled to surrender at discretion. As it was, they showed a brave enough front; and a fearful combat was maintained for four or five hours in the night; when the assailants, having accomplished all that they intended, in giving the enemy this first taste of genuine Transatlantic warfare, drew off. The British general reported above three hundred killed, wounded, or missing, in this first night attack; but the loss on the American side was not much less.

In the course of this conflict, and early in the following day, reinforcements arrived from the ships. There was, however, little fighting on the 24th, although the Louisiana had joined her consort, the Carolina, and menaced the invaders with a more destructive cannonade;—and although, before the end of the day, the whole British force had reached the field of battle, the only care of General Keane was to withdraw his men farther from the river bank, that they might be less exposed to the chance of such casualties as those of the preceding night. Next day the real commanders of the expedition, Sir Edward Pakenham and General Gibbs, arrived. And



having made themselves acquainted with the position of affairs, they suffered the men to enjoy their "merry Christmas" as well as they could, under an incessant fire from the ships; and as soon as night fell, threw up a battery opposite the Carolina, mounting nine field-pieces, two howitzers, and one mortar.

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At dawn, on the 26th, the battery was opened upon the Carolina with red-hot shot, and she was very soon set on fire and destroyed. The Louisiana was next attacked, but escaped up the river; so that the way was now clear for an advance upon New Orleans; and the needful stores, artillery, ammunition, &c., were brought up from the ships, that the grand attack might be made without delay.

Jackson, in the mean time, had not been idle. In these and the immediately following days and nights, sleepless himself, and allowing none around him to sleep, until an available position for defence had been secured, he had constructed a lengthened rampart about four miles below New Orleans, of the most formidable description for his purpose. Beside the earth, which was thrown up out of the deep ditch in front, bales or bags of cotton, impressed for the service, were unsparringly used. The line extended from the river to a low swamp, about a mile off, and the ditch was filled with water nearly to the top. In the river, the Louisiana protected the right flank; and a work, mounting twenty guns, on the opposite bank, added yet more to the strength of the position. The levée, or embankment of the river, also was by Jackson's direction cut through, both above and below the position of the British, thus embarrassing their movements both in front and in the rear.

But the night attacks upon their camp were the means of annoyance which most distressed the invaders. In the Peninsula, as if by an understood arrangement, the outposts of the contending armies were seldom molested; and British and French sentinels not unfrequently paced their nightly walks within musket-shot of one another. In countries where war is the normal, and peace the exceptional condition, and where, in consequence, soldiership is a *profession*, such comity, even in a state of active hostilities, can be practised. In America, on the contrary, everything forbade such a chivalric procedure. The contest was upon their own ground, and for property, liberty, and life itself;—even the regulars in the American service were more citizens than soldiers;—and the only school of war which (happily) the country possessed, was in the Western States, and engagements with the Indians had no tendency to foster habits of civilized warfare.

On the 26th, the first attempt was made to carry Jackson's intrenchments; but it was met by such a terrific discharge of round and grape shot, that the enemy was totally unable to make any impression upon them. On New-year's day, the attempt was renewed; but although the British generals had, with great secrecy, erected regular breaching batteries, and mounted them with heavy cannon, "bringing up ammunition, and making such preparations as might have sufficed for a siege;"—and although, when first opened, the fire of the thirty pieces of siege artillery threw the Americans

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into confusion, no better success was achieved than on the former occasion. As the author of "the Subaltern" says, the Americans "soon convinced us, that all endeavours to surpass them in this mode of fighting would be useless."

"All hands were, therefore," says Alison, "set to deepen a canal, in the rear of the British position; by which boats might be brought up to the Mississippi, and troops ferried across, to carry the battery on the right bank of the river; but this proved a work of such extraordinary labour, that it was not till the evening of the 6th of January that the cut was declared passable. The boats were immediately brought up, and secreted near the river, and dispositions for an assault were made at five o'clock on the morning of the 8th."

Matters were thus proceeding, wholly to Jackson's satisfaction, in this part of his command. In New Orleans, on the contrary, things went not so well. It happened that at this time, the Speaker of the senate of Louisiana was that same Fulwar Skipwith whom we saw at the conclusion of the famous "X. Y. Z. affair," acting as self-appointed, or at least "provisional," plenipotentiary at Paris,—though we can scarcely say *in behalf* of the United States. His Gallomania would sufficiently mark him as a follower of Jefferson, and as one incapable of collusion with the British. Nevertheless, so strongly marked is the distinction between the old Jeffersonian Democrats and those of the new school, that we find this very man talking of "offering terms of capitulation to the enemy," rather than second Jackson's final scheme of defence against him. For Jackson was undoubtedly resolved, rather than suffer New Orleans, with its rich spoils, to fall into the hands of the British, to burn the city to the ground, and lay waste the whole country near it; and defeat the invasion by making it impossible for the invaders to find subsistence. And this was a sacrifice which the legislature of the State did not feel itself capable of making.

From other quarters also, it is plain that Jackson heard so much of the fears of the legislature and their scheme for capitulation, that he authorized Claiborne, (to the great contentment of his "Volunteers,") if the legislators persisted in their scheme, "to blow them up." An order, which Claiborne prevented the necessity of executing, by placing a strong guard at the door of the house of the legislature, and preventing them from sitting. Some of the members thereupon held unsatisfactory meetings in other places; but no thought of capitulation could be entertained after so summary a manifestation against it. With the controversies, and other kinds of dispute, arising out of this famous "general order," we have nothing to do. The thing is sufficiently explicable without calling evidence and parading logic; and albeit it would have been a very irregular proceeding, to "blow up" a respectable and constitutional legislature, or even one House thereof; we are bound to confess, that we should regard the literal execution of that hastily uttered wholly misconceived order, as a less evil than that of surrendering the "keys of the Mississippi," and of all the commerce of the West, to a handful of men, like those now sheltering behind the dykes, and amid the tall jungle grass,

from the terrible aim of the Kentucky and Tennessee cannoniers and riflemen.

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Notwithstanding the existence of this kind of "moral treason," (as "the party" used to designate every manifestation of disinclination for the war in the North,) and though, without proclaiming, and carrying out too, martial law, Jackson could not have been sure of the ground he was contesting the possession of with the British foe,—there was no such gladness in welcoming the invaders, no such zealous co-operation with them, as they had been led to expect. If the enemy was astonished at the hot and obstinate resistance he met with from the soldiers, he was equally so at the scanty number and despicable character of the deserters who joined him. Whatever it was that *might* have induced American citizens to desert the United States and join her, Great Britain had certainly not discovered it.

The startling contrast in the condition and circumstances of the two camps would have been sufficient, had no other inducement existed, to keep the Americans faithful to their country. They had, it is true, no better bed than the ground, covered with mire a foot deep; and though they had tents, there was little chance of repose in them, under the command of a man with an iron will like Jackson. Government, it is true, was very slow in supplying arms; but men did not, on that account, cease to flock in for the defence of New Orleans; so that the forces under Jackson were not far short of double the number of their assailants. Their food was sufficient both as to quantity and quality; private benevolence and patriotism laboured diligently to supply all that was deficient in their equipment. Behind their impregnable lines scarce a shot of the enemy reached them; and there was no want at any time of martial music to cheer and animate them for the fight.

"How different was the spectacle in the British army; without tents, without works, without show, without parade, upon the ground!" This is the testimony of a British officer; from other sources we can complete the picture. The incessant fire from Jackson's lines, from the shipping, and from the opposite side of the river, allowed them no rest, day or night. Grape shot dispersed every group of men that showed itself. It was absolutely impossible to reconnoitre the position of the Americans;—on the first approach they made to it, the generals themselves were taken by surprise. Every attempt to raise a battery was disturbed by showers of balls; so that, at last, they could work only by night, and in total darkness; and even then they were not free from that terrible annoyance. All night long, and frequently in the day, they were surrounded by reconnoitring parties; who not only discovered all their movements, but took advantage of every opportunity of using their unerring rifles against them. "If they made a fire in the cold night air, it attracted shot, like lightning by the rod." Neither in the thickets nor near them could one piquet be stationed. Supplies were scanty in quantity, and not of the kind which men labouring in cold and wet required. Add to all this, the discouragement produced by the endurance of three defeats in one week,—a discouragement which not even the arrival of reinforcements,



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raising their number of effective combatants to about six thousand,—could abate; and we can see, that few indeed of the Americans could be induced to desert.

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At length the 8th of January came, when the grand attack was to be made. Colonel Thornton, at the head of fourteen hundred men, was to cross the river in fifty boats, carry the works there which enfiladed Jackson's lines, and employ them vigorously in support of the main assault. Whilst two columns, commanded by General Gibbs and General Keane, were to advance upon the intrenchments in front, as soon as ever a signal from Thornton should apprise them of the success of his operations. But the rapid falling of the river prevented the boats from reaching the place where the men were to embark at the time appointed; and at length, instead of the number expected, sufficient to accommodate about three hundred and fifty men alone made their appearance. Unable to repair the delay, but determined to do all that he could, Thornton set out with his little band, and day had broken when he touched the opposite shore, at a distance of four miles from the batteries he ought to have carried before the preceding midnight.

As he landed, a signal rocket from the left bank sprang into the air, telling him that, with or without his co-operation, Pakenham was advancing. For, wearied out with anxiously listening for the musketry, which should tell of Thornton's attack; with anxiously watching for the rocket, which should make known his victory; consumed by impatience to commence the assault, and knowing how irretrievable was every moment's delay, Pakenham at length gave the word to move forward.

Silently, but swiftly, through the wintry morning,—the day just beginning to dawn,—the first column advanced against the works. But they were soon perceived by the enemy, and a dreadful fire was opened upon them, which mowed them down by hundreds. For, consistent only in blunders, which cost brave men their lives, and the whole army *shame* in addition to defeat, it was found, whilst they were in the heat of the charge, that both fascines and scaling ladders had been forgotten; and on the very crest of the glacis, the attacking column was forced to halt, without the means of crossing the ditch or mounting the parapet; incapable, too, of defending themselves against the storm of shot which was poured on them from those unimpregnable ramparts. A few, indeed, mounting on one another's shoulders, succeeded in entering the works; but it was only to be overpowered by numbers. One small battery, in front of the lines, was carried at the point of the bayonet. But when the captors, with desperate courage, endeavoured to force their way across a single plank into the body of the works, they were repulsed with frightful slaughter, and the battery was re-captured.

"It was in vain," says the *Subaltern*, "that the most obstinate courage was displayed. They fell by the hands of men whom they absolutely did not see; for the Americans, without so much as lifting their faces above the rampart, swung their firelocks by one arm over the wall, and discharged them directly upon their heads. The whole of the guns, likewise, from the

opposite bank, kept up a well-directed and deadly cannonade upon the flank; and thus were they destroyed without an opportunity being given of displaying their valour, or obtaining so much as revenge." CHAP.  
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The ladders and fascines were never brought even near to the ditch; the regiments, which should have taken them, being sent back to correct their fatal mistake, never recovered their place in the column again, and the ladders and other apparatus for the storm were scattered about the field. It was while matters were in this disastrous position, that a cry arose in the rear of "retreat," "there's an order to retreat!" and the survivors, as if dazzled and confounded by the unintermitting blaze, and the reverberating roar of that tremendous cannonade, broke and fled. Pakenham, followed shortly afterwards by the second column, hoping yet by mere courage to retrieve the day, hastened to the front, and used the most passionate endeavours to rally the panic-stricken men. Waving his hat, and calling on them to follow, he reached the edge of the ditch,—but only to fall death-stricken by two balls. Generals Gibbs and Keane succeeded in bringing the troops a second time to the charge. Even the Americans marvelled at the cool daring of the 93rd Highlanders, who stood like statues until they had lost more than half their numbers. A few, this time also, penetrated the works, but every man that did so perished. Both Gibbs and Keane were soon carried from the field wounded, the first mortally; and a second time the troops recoiled before that awful fire, and fled. General Lambert, upon whom the command now devolved, finding that it was impossible to restore the fortune of the day, the carnage having been so terrible, withdrew his reserve from the reach of the American artillery, and collected the wreck of the routed army.

Thornton, on the other bank of the river, had been more fortunate. Placing himself at the head of his handful of men, by a sudden charge on the flank of the works, he succeeded in making himself master of the redoubt, with very little loss; although it was manned by fifteen hundred Kentuckians and other militia, and mounted full twenty guns. When day-light broke, he was preparing to turn those guns upon the flank of Jackson's line, which lay entirely exposed to their fire; but he desisted, on receiving the news of the total defeat of the main attack. "Colonel Dickson was sent over to examine the situation of the battery which had been won, and report whether it was tenable; but he did not deem it defensible, except with a larger force than Lambert could dispose of for that purpose, and therefore this detachment was drawn back to the left bank of the river, and the troops at all points returned to their camp."

A flag of truce was despatched by the British commander, with proposals for the burial of the dead; and a truce of two days was arranged for that purpose. Out of so confused a medley of conflicting and contradictory statements as the "official" and other reports of the events of this campaign present, it is more than ordinarily difficult to gather the simple facts of the case. No part of a historian's task is more perplexing than that of reconciling, or selecting from, the discrepant accounts of the *numbers* present on the opposite

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sides in an engagement, and of the amount of the loss on each part. For strategical, political, and other far less noble considerations, misrepresentations on these points are continually made. With regard to the forces engaged and the losses sustained on the two sides, in this campaign of New Orleans, the great diversity which we find in the several American narratives alone, would lead us very strongly to suspect their correctness, unless any of them is confirmed, not only by the British accounts, but also by the other undoubted facts of the case. It is plain from the recital of all that Jackson *did* to annoy and exterminate the invading army, that he had at command a force much more numerous than it. Remembering that his troops were, for the most part, militia and volunteers, and that the enemy's men were nearly all Peninsula veterans; and admitting that never were brave soldiers worse generalled on this side, nor indifferently trained, or untrained, fighting men more sagaciously commanded on the other;—Jackson *could not* have accomplished all he did unquestionably achieve, had he not, as the British said, been at the head of at least twelve thousand effective men, had not the British effective force been less than half that number. In respect of the losses, again, we must observe, that sheltered as the Americans were during this fiercely-fought engagement, the numbers given at last, as representing the whole loss, in killed, and wounded, and missing, on both sides of the river,—seventy-one does not appear incorrect; the other tales are palpably mistakes, imperfect totals, or idle and mendacious braggadocio. The higher estimates of the British loss need no attention, being simply absurd; but it is at first sight inexplicable, that the number stated to have perished on that fatal day, on the plains of Chalmette, and that too by some that were present there, should exceed the entire number of killed and wounded, during the whole campaign, as finally ascertained. Nor is it until we reflect upon the impossibility of accurate enumeration in the heat of an action, even if the excitement of such a season would suffer it,—nor until we have taken into consideration how many more *fall* than are killed,—that we can be content to accept the authenticated numbers as correct. A few more than four hundred of the British died in battle, between the first landing and the final re-embarkation of this expedition; less than sixteen hundred were wounded, a small per centage of whom died of their wounds at various subsequent periods. Fifteen hundred, and that is a large proportion of the entire numbers engaged in this invasion, will be the total of killed, wounded, and missing, for this disastrous day before New Orleans. Jackson's loss during the entire campaign, in every way, amounted only to three hundred and thirty-three!

We have not the heart to follow the British in their deplorable retreat, which was effected on the night of the 18th. The six days intervening between the expiration of the truce and the evacuation of the bivouac, (for it was not an encampment,) having been spent, by the British, in assuring themselves that their cause was hopeless, and in withdrawing by stealth, in the dark, through swamps, amongst alligators, and along causeways, impass-



able to his thoroughly defeated men, in consequence of the rain ; and by the Americans, in throwing shot, of every kind, by night and day, into the quagmire where the enemy sheltered himself. The whole of the field artillery, most of the ammunition, and all the stores of the invading force, were carried away on their retreat ; except the siege artillery, which was already in part destroyed, and some powder barrels and piles of shot left in the useless batteries. Only eighty of the wounded were left, with an appeal to the humanity of the Americans ; “ a duty,” says Alison, in behalf of the British, “ which General Jackson discharged with a zeal and attention worthy of the ability and gallantry he had displayed in the action.”

“ The British troops,” adds the writer we have quoted, “ were safely re-embarked on the 27th, and soon after in some degree comforted for their disasters, by the capture of Fort Bowyer, near Mobile, commanding one of the mouths of the Mississippi, [before which they had been so signally repulsed, in the preceding September, as we have related, but] which yielded, with its garrison of three hundred and sixty men, and twenty-two guns, to a combined attack of the land and sea forces, on the 12th of February.” Similar consolation does “ the Subaltern ” discover in the fact that the fort, on the right bank of the Mississippi, which Thornton stormed so gallantly, commanded the American position on the other side so completely, that “ for General Jackson to maintain himself any longer in front of New Orleans was physically impossible,” *provided* that the commanding post, so easily gained, could have been maintained ; which General Lambert at the time, and most men afterwards, have thought was more truly “ physically impossible.”

We have not described the British retreat, neither shall we attempt to describe the exultation, heaven-high, which took possession of the war party and the Administration. Such scenes, such transports, transcend the scope and the powers of the mere historian. Yet must we observe, that inasmuch as Jackson baffled and drove away the most seriously-attempted invasion of the United States, by adopting a species of warfare suited to the capability of his irregular and undisciplined levies, which, to regular and disciplined troops, could but prove in the last degree difficult to resist ; and with admirable skill took advantage of the utter want of strategic ability in the British commander, compelling him to give battle under circumstances most unfavourable to himself, most propitious to the Americans ;—there was no need for misrepresentations of the comparative numbers of his own men and the enemy, to swell his triumph. Whilst the British, veterans all of them, ought not to have felt bound to insist upon Jackson’s numerical superiority, by way of accounting for their complete overthrow. Such a series—not of mistakes, (for that word implies the possession of some generalship, however defective,) but of glaring proofs of the absence of every intellectual quality that enters into the composition of a military leader, no one could have imagined possible before now. Nor was there any occasion to insult the memory of the commander, whose personal bravery was as conspicuous as

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his professional incapacity ; especially since he had fallen a victim to his own misdirected courage ; with so hateful an invention as that of his having given " Beauty and Booty " for the watchword, on the day when he fell.

As if to abate the brilliancy of so excessive a triumph, no sooner were the good news of the peace, established by the Treaty of Ghent, known in New Orleans, than the wildest insubordination to military restraint seized upon the raw militia-men and volunteers, who had been compelled by Jackson's iron resolution, under the cover of night and the ramparts of cotton-bales, to become soldiers. " Intoxicated with victory, and confident of security, they almost disbanded themselves, in defiance of all their commander could do to keep them in order." " Six weeks of intestine controversy, as trying as war," followed ; and the hardly-pressed general found these pacific contests, with the excited members of his own party, harder to conduct to victory than hostile conflict with an invading enemy had been.

Martial law, how needful soever when Jackson proclaimed it, is wholly alien from the spirit of the United States' Constitution and people. Mob law itself, by manifold experiments, has been demonstrated to be by no means so opposed to that spirit as law military. Contrary to universal expectation, Jackson chose to regard the treaty of peace as *nil*, until it was ratified by the President, and refused to rescind his proclamation. The corporation of " able editors," who had drunk deeply into Jefferson's Opposition-Democracy, took the lead in this revolt. But, yet more vexatiously, the French inhabitants of Louisiana, some of them naturalized as American citizens, (whom we may excuse for having implicitly trusted to the Gallomania of the great Democratic leader,) surpassed the men of the press in rebellion. " Jackson had with them a more difficult contest than with the printers ; and was led on, step by step, to measures of such rigour as involved questions of great moment."

" Resolved to subdue them," Jackson ordered all French subjects to leave New Orleans, and retire into the interior ; an order which, it must be admitted, went to the full extent of the endurance of the class it referred to. A champion appeared for them in the person of a Mr. Louallier, who had resisted martial law in the State legislature ; and who now, in a local newspaper, characterized the general's proceedings with impartial fidelity, and intimated that the Judiciary would declare his martial law unconstitutional and void. Having obtained the name of the writer of this daring challenge, Jackson had him arrested in broad day, and " taken as a spy to the barracks, where he was placed under military guard." Dominic A. Hall, District Judge of the United States' Court for Louisiana, at Louallier's application, issued a writ of *habeas corpus* on his behalf, but suggested that Jackson should be apprized of it, before it was served on him.

To the astonishment of all the world, the general instantly ordered the judge himself to be arrested, and had him confined in the barracks, in the same room with Louallier, " for aiding, and abetting, and exciting mutiny within his camp." For he strongly suspected that the judge and the repre-

sentative were acting in concert, with a view to procure by judicial condemnation the annulling of his martial law. According to Judge Martin, Jackson's conduct in this affair was marked by "vulgarity, ignorance, ferocity, and violence;" it certainly is very difficult to discover the Tennessee lawyer in the Major-general of the United States, on this occasion. As we can easily believe, feeling ran high on all sides. The circumstance of Hall's being the Judge of a Federal court, was quite enough to enlist the Democratic multitude on Jackson's side;—although by *his* over-riding of all law, both State and Federal, by his proclamation, issued on the authority of his *Federal* commission, he was the real violator of State rights; and against him the popular wrath should have been directed.

We cannot trace through all its steps this extraordinary affair. We can only say, that not until he received official notification that Madison had ratified the treaty, did Jackson lay down his arbitrary power; although he endeavoured to make it appear that he was compelled to maintain it, by the refusal of General Lambert to agree to an armistice. He next disbanded his militia. Louallier had been tried by court martial, and acquitted. The Judge had been released also, but banished from New Orleans. Jackson was now attached for contempt of court, after having in vain shown cause against it. Sustained by the countenance of a tumultuous throng of disbanded militia and other admirers, Jackson assumed the air of judge rather than that of delinquent; refused to answer any questions, and encouraged Hall to proceed with the trial, by the insolent assurance that he should submit to his sentence. He was condemned to pay a thousand dollars; but no alternative was provided in case of his refusal, the judge being manifestly overawed by the prisoner's adherents. Jackson nevertheless paid the fine, declining the assistance of a subscription, and was borne off in triumph by his adorers, whose affections he had fascinated by showing himself to be superior to the laws of his country. It was by this means, as well as by his generalship on the plains of Chalmette, that he paved the way for himself to the Presidential chair. And nine and twenty years afterwards, on the motion of our historian Ingersoll, Congress itself,—the national legislature, to illustrate its reverence for the national law,—by large majorities in both Houses, and by special act, refunded both principal and interest of this fine.

We must now return to the point at which we left the negotiations, in the last chapter,—the offer made by the British government to treat *directly* with the government of the United States, and to commence proceedings at once, either at London or Gottenburg. This proposal was immediately accepted; and Henry Clay and Jonathan Russell were appointed with John Quincy Adams, Gallatin, and Bayard, plenipotentiaries to treat with the British envoys. If we may regard the armies and ships of war of the United States as expressions of the spirit of the people, that of the Administration to the leader of the dominant party now found befitting expression in the tone and conduct of its ambassadors. So intensely anxious was Madison for peace, and so completely had his representatives imbibed his feelings, that one of

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them, George L. Dallas, actually ventured to enter England under the passport of a Russian courier, for the purpose of securing an arrangement for negotiations, by the instrumentality of the Russian ambassador there and Mr. Alexander Baring. In the spring of 1814, Gallatin and Bayard proceeded to London, where it was at first intended to conduct the proceedings; but Ghent was afterwards fixed upon, as a more suitable place than either of the others which had been mentioned. And Lord Gambier, Henry Goulburn, and Dr. W. Adams, were appointed commissioners by the British government.

While Bayard was residing in London, he received a visit from no less redoubtable a person than "Peter Porcupine" himself. Always in the opposition, William Cobbett was in England as hostile to monarchy, as in the United States he had been to democracy; and now, as if to compensate for the annoyance he had occasioned to the party which had since come into power, he came to warn the American ambassador of the dangers which were being contrived for his country, by the "Caucus of crowned heads then in London." The principal peril, according to Cobbett, whose political perspicuity by no means equalled that of his writings,—was the organization of a Cossack force to crush America, which was then to be erected into a kingdom for the Duke of York! "If you cannot fight," said the veteran, "you must be conquered." The *little* Armada which burnt Washington, and could not burn Baltimore, was at this very time being prepared, and was probably the basis of this warning; but the discovery which he had made of the designs of the crowned heads of Europe was worthy of no one but Jefferson.

The hopes of the American commissioners had been by no means buoyant, during their stay in London; they had even communicated their despondency to their government, and the Administration which had gone to war with Britain, in defence of "seamen's rights," and in resistance to *impressment*, actually consented to drop the subject of impressment altogether; merely stipulating, and that only for domestic reasons, that in giving up this single point in dispute, they did not admit the British claims.

The government of Great Britain, although its suggestions had been almost implicitly carried out, appeared to be in no haste to commence negotiations. It had the more arduous negotiations, which followed the overthrow of Bonaparte, in hand; and it was also bent upon making one trial, at least, (which it was vainly hoped would prove satisfactory,) to settle the quarrel with the United States by force of arms. So it was not until the 6th of August that the British commissioners found their way to Ghent; but no delay was then made in commencing business.

The proceedings were, as is commonly the case, and especially in circumstances like those under which these commissioners met, tedious enough. More than once, the negotiations seemed upon the very verge of being broken off. The demands put forward by the British commissioners were undoubtedly exorbitant, whilst the resistance offered to them by the Ameri-

cans not unnaturally appeared to the others indecorously vexatious. At every difference which arose between them, the British commissioners were able to consult their government without delay, and to act upon instructions adapted almost to the daily changes in the aspect of affairs; but the Americans, "by reason of their remoteness from home, were under the necessity of deciding upon the spot, and on their own responsibility," all the questions which arose. But, notwithstanding this great disadvantage, the credit of the United States was not diminished by the conduct of her envoys at Ghent. They had, it is true, the advantage of superior numbers; and they were opposed by no very eminent diplomatist; less practised, less acute men, and men less imbued with the feeling respecting England, than all but universal in the United States, might, nevertheless, have compromised their country.

Our readers will remember, that we have insisted upon the necessity of this war, upon quite other grounds than those taken by the promoters and vindicators of it. It was most manifest, that the reasons assigned for it were related to it as rhetorical defences, rather than effective causes. Otherwise the hostilities and depredations of the French would have required the declaration of war against France also;—the tidings of the repeal of the "Orders in Council" would have been immediately followed by an armistice and negotiations;—and the impressment question could not, under any pretence, have been passed by *sub silentio*. Otherwise, how can we account for the prominence given to the North-east Boundary question, which had been under pacific discussion ever since the treaty of 1783, and was brought no nearer to a conclusion by this treaty? Or to the Fishery question, which had not been agitated in a hostile manner before this time, though it has been since? Or to the appearance of nothing else in the negotiations, except theses selected from the "Law of Nations," and subjects originating in the war,—armaments on the Lakes, Indian relations, stolen negroes?

Nothing less minute and detailed than a *monograph* of the Treaty of Ghent would be adequate to the subject; or to show how many a *sine quâ non* was dispensed with, how many an *ultimatum* was set aside, without closing the negotiations. Only in such a work could be shown the close connexion between the phases of the British demands and proposals, and the variations of failure and success in the war, or the different movements amongst the powers assembled in Congress at Vienna. But we observe most distinctly, that neither the British ministry, nor their plenipotentiaries at Ghent, so well understood the moment of this negotiation as the Americans did. To Castlereagh, and the government which carried the Corn Laws, the matters discussed at Vienna, the blustering pretences of the Czar of Russia,—that remarkable ally of America,—and all that savoured of aristocracy and absolutism, were more real than the interests which were risked by a war with the United States—corn and cotton, the necessities of the *people*!

It is to the daring astucity of Clay that we ascribe the praise of having changed the tone of the American commission from hopeless despondency to that of energetic resistance to the astounding demands of the British. Had

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he, or one of his temper, devised the "instructions" also, this Treaty would have worn a vastly different form, or never have been concluded. Yet we must admit that a much wider basis of victories was required, to give the United States even the shadow of a claim to dictate their own terms to Britain; and that, themselves exclusive in their maritime policy, and not free from disagreeable involvements in respect of that impressment question, it was in the last degree difficult for any Administration or envoys of America to compel their opponent to give up either the claims or the practices she had established.

Of the differences between the members of the United States' commission, arising out of that bottomless abyss of domestic politics, the antagonism between the North and the South; of the divulcation of the correspondence between the negotiators, through the American newspapers; of Madison's (or Monroe's) suspicion that Great Britain would demand Louisiana for Spain,—which she did not; of the "Roland for an Oliver" which Henry Clay favoured Henry Goulburn with, giving him tidings of Prevost's defeat, in exchange for the news of the burning of the Capitol; of the popular, academical, and other honours conferred upon the plenipotentiaries of the Republic of the West; and many other matters equally instructive and delectable, our space allows us to say nothing. We can only add, that at length, on the 24th of December, 1814, the Treaty was concluded; and ratified by Madison on the 17th of February, 1815.

Throughout the Union, the return of peace was hailed with the most extravagant manifestations of joy. It was satirically said, that in Massachusetts, alone, more cannons were fired, and more men wounded, during these festivities, than had been in all the war. But far better than these rejoicings, the disaffection of New England was remedied, the insoluble difficulties of the Administration were terminated, the war party was gratified—beyond its most audacious hopes, and a new stage in the career of the nation inaugurated; such were the substantial consequences of this war, and in sight of them we may well leave unrecorded the festive and other celebrations of the Victory of New Orleans and the Treaty of Ghent. How Clay and Jackson rose into clear eminence; and how the distinction of the latter, the man of courage and will, "thorough-going" in whatever he took in hand,—transcended that of the other, who excelled chiefly in audacity and adroitness, and was the *Avatar* of "compromise;" all this, the immediately following Books of our History will declare.



## CHAPTER V.

AFTER THE WAR.—THE TREATY.—THE DARTMOOR MASSACRE.—NEW MEASURES AND ARRANGEMENTS REQUIRED BY THE PEACE.—WAR WITH THE BARBARY STATES.—NAVIGATION ACT.—COMMERCIAL CONVENTION WITH GREAT BRITAIN.

MONROE, writing as Secretary of War, to explain his Conscription Scheme to Congress, amongst other considerations which he deemed fitting as incentives to energetic action on the part of the Legislature, adduced the following. "It may be fairly concluded, that if the United States sacrifice any right, or make any dishonourable concession to the demands of the British government, the spirit of the nation will be broken, and the foundation of their Union and independence shaken. *The United States must relinquish no right, or perish in the struggle.* There is no intermediate ground to rest on."

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Both the occasion of this statement, and the form of it, are such as to pledge any statesman or government to a policy according with it. Not even the universally admitted ambiguity of diplomacy could have any place here; for the latter was addressed by the Head of a Department of the Administration to the Legislature of the Confederation, and was a domestic affair, entirely. We must include in the verdict which has been passed upon aristocracies and monarchies, the Republican polity of the United States, if we find that duplicity and mere unveracity could mark any such communication between two great branches of the government. Or more truly, we must acknowledge, that be the theory and the form of government what they may, men can and do administer them in such a manner as to associate with the best form the worst vices of the worst; and *vice versâ*; and consequently, instead of looking to politics, and theories of government exclusively, or as of the first moment, in respect of the well-being and progression of a nation, we must lay most stress upon *national character*, and expect from an elevated morality alone, that practical "righteousness," which "exalts a people."

"Nearly four months *before* the date of this Report of the Secretary of War," as the vindicator of "the Hartford Convention" truly says, "instructions had been sent by the President of the United States, to the commissioners at Ghent, through the medium of James Monroe, the Secretary of State, and in October following Secretary of War,"—the writer of the paragraph we have quoted at the head of this chapter,—comprising this amongst others,—"*you may omit any stipulation on the subject of impressment.*" We do not see how the point of the comment upon this fact, offered by the writer we refer to, can be turned aside. "That is;" he remarks, elucidatorily, "the only subject of controversy, [we well remember that Great Britain had rescinded

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her "Orders in Council;" so that (as we have observed more than once,) nothing but *impressment* remained, of the avowed reasons for hostilities;] about which the country had been engaged in a war for nearly two years and a half, at an expense of more than a hundred millions of dollars, and from thirty to fifty thousand lives, was formally abandoned in June;—and in October following it was declared, that rather than *relinquish any right*, we ought to make up our minds to *perish in the struggle*.

"This can be viewed," he continues, "in no other light than that of an attempt, on the part of the Administration, to impose upon Congress the belief that we were fighting for existence, and that we *ought* to perish, rather than *surrender* a single right; when, at the same moment, the only ground of controversy had been long previously abandoned, by that same Administration, for the sole purpose of extricating themselves from the war!"

But let us hear Jefferson's opinion. His feeling towards England shows itself as strongly in the first quotation, as his adherence to his party in the second. Writing to Lafayette, he thus discourses of the peace: "I consider it as an armistice only, because no security is provided against the impressment of our seamen. While this is unsettled, we are in hostility of mind with England, although actual deeds of arms may be suspended by a truce. If she thinks the exercise of this outrage is worth eternal war, [how the philosopher came to indulge in such a fantastical whimsy as this, we find it difficult to conceive. The custom of impressment was foolish and wicked enough; but Great Britain maintained it, not that she might be at war with her great, grown-up daughter, now independent of her, and well-settled; but merely because, being at war with France, and finding that her impressed seamen deserted from her service to that of the United States, it seemed the shortest course, and on the whole the right one, to catch them and bring them back again. The Southern States have been heard to complain grievously of the *ipso facto* emancipation of their fugitive slaves, on reaching British ground; and all the Union found the Mormonites at Nauvoo guilty of being bad neighbours; but the naturalization of deserters in the way practised during the war of the beginning of this century was somewhat more annoying to Britain, on the score of *right*, than the doings of the "Latter-day Saints" to the good folks of Illinois; or the refusal to give up as a *thing* one who has sought asylum as a *man*, could be to the slave-holder; and thence arose that summary method of procedure, which proved so ineffectual and imprudent. But no such thought was entertained as that of preferring "eternal war" to the renunciation of "the exercise of this outrage," or Jefferson had been right in subjoining, as he does,] eternal war it must be, or extermination of the one or the other party. The first acts of impressment she commits on an American, will be answered by reprisal, or by a declaration of war here; and the interval must be merely a state of preparation for it." Which bit of *fanfaronade*, no doubt, amused Lafayette, and did not commit the Administration, nor the Union, to any thing of the kind.

To Madison, on the other hand, he says,—“ I presume that, having spared to the pride of England [which, in plain words, means, having given up the one sole, avowed pretext for declaring war, in order to get a peace,] her formal acknowledgment of the atrocity of impressment in an article of the treaty, she will concur in a convention for relinquishing it. \* \* Would it not be better that this convention should be a separate act, unconnected with any treaty of commerce, and made an indispensable preliminary to all other treaty ?”

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With Jefferson's view, Alison completely coincides ; but on totally distinct grounds. After showing that “ neither the ostensible nor the real objects ” (as he understands them) of the United States, “ in engaging in the contest, were attained,” he observes that “ the great questions at issue in the war,” were “ rather adjourned than decided, and the treaty itself is to be regarded rather as a long truce than a final pacification.” A “ *long truce* ” indeed, for forty years have nearly passed, and whilst some of the more important matters, left unsettled in 1814, have been amicably negotiated, others are still being discussed in a perfectly friendly spirit. Even the question of *privateering* has thus been ventilated, and the good sense of both countries promises to supersede the necessity for any such “ final pacification ” as Jefferson at one extreme, and Alison at the opposite point to him, have averred to be requisite to save the two great branches of the Anglo-Saxon race from mutual extermination. Should no other considerations avail, perhaps the spectacle of Britain and France in alliance, combating for the public order of Europe, will be admitted as a precedent.

As for the treaty itself, premitting all mention of right of search, neutral rights, impressment, and the like, it provided for “ a firm and universal peace ” between the late belligerents ; for the exchange of prisoners ; for the mutual restitution of all conquered territory ; for the settlement of that much agitated, never settled, boundary question (which, however, could not get settled for many a year to come) ; for the cessation of hostilities against and in behalf of the Indian tribes ; against the carrying off of “ negroes or any other property ; ” and for the employment of the “ best endeavours ” of “ both the contracting parties,” to “ promote the entire abolition ” of “ the traffic in slaves.”

With the expressions of satisfaction at the return of peace contained in the President's Message to Congress, on the 18th of February, 1815, accompanying a copy of the treaty, we can fully sympathize. Both America and Great Britain had suffered severely during the contest, and though in proportion to its enormous wealth and power, the losses of the latter might be reckoned as less in amount than those of the United States, the English historians are compelled to admit that they had been far too great, considering the objects of the war, its actual upshot, and its influence upon those material interests, by which the well-being of the Old Country was most intimately connected with that of its offspring.

With Madison's publication of Dallas' pamphlet, on the “ Causes and the



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Character of the War," we cannot at all sympathize ; nor with the pamphlet itself. Dallas had prepared, "in the midst of his labours as Secretary of the Treasury," (says Ingersoll, but we must respectfully take leave to doubt the possibility of that,) this, which was intended as a formal and official vindication of the war. Before the completion of this State-paper *au feuilleton*, the occasion for it had passed away,—the war was over, and "firm and universal" peace was covenanted between the United States and Great Britain.

Nevertheless, the thing was published, (apparently after having been "printed for private distribution," as they say,) and perhaps, in good part owing to Jefferson's counsel. For Madison, as it seems, sent him a copy, and asked his opinion of the advisability of that step. His "irresistible desire" to see any attack made upon the British, by any one, provided *he* was not held responsible, and was personally safe from the recoil, we do not need his assurance of, to believe. Only one objection could he discover,—“It may be said that it will be thought unfriendly:”—and the reply to that is prompt and concise,—“but truths necessary for our own character, must not be suppressed, out of tenderness to its calumniators;”—a reply which convicts him of total ignorance of the nature of *magnanimity*. Yet even he found “some things” in it too strong, and suggested the omission, or “rubbing down,” of them; and the addition of “a soothing postscript,” the “original date” being preserved; as the remedy. Reading this Vindication now, we are at a loss to conceive what could have been regarded by the veteran mis-Anglicist as misrepresentation, since he states as self-evident, (when the “roughnesses” he spoke of should be “rubbed down,”) that “no exaggeration was aimed at.” We have, in fact, quoted it but once, and then only to show in what strangely distorted shape the occurrences of these years presented themselves to the heated imaginations of the war party; nor could we put it to any other historic use.

To our chapters on the “Home Affairs” of the Union, under Madison's Presidency, we refer our readers for an account of the financial, martial, and other measures of Congress, for bringing back the nation generally to a “peace establishment.” Here we speak of foreign relations, and how they were fulfilled, only.

We may first, and in passing, state, that several changes were made in the ministers resident at the various European courts now. Gallatin (whose *French* was “perfect,” but whose *English* was not so good as that of poor, weak Louis XVIII., according to Louis' own account) was deputed to Paris. Quincy Adams, perhaps on account of his father's friendliness there, to London. Bayard was to replace him in Muscovy; but the anxieties of the negotiation at Ghent had been too great for his physical powers, and he could not accept the post. Instead, he returned home, and soon afterwards died. At the court of the Netherlands, Eustis represented the United States; and even in Spain was now found an ambassador from the Western Republic.

But the labours of the plenipotentiaries who had negotiated the Treaty of Ghent were not yet completed. Gallatin, Clay, and Quincy Adams, after a short delay, proceeded to London, where they at once entered upon the arrangement of a commercial convention, which had been proposed, as a supplement to the peace; and that without adopting Jefferson's advice, to insist first upon the relinquishment of the claim to impress American seamen, or, in other words, to recover deserters. The commissioners did, however, attempt to introduce "neutral rights" into this new negotiation; but as the British government refused to treat with them upon that basis, the commercial relations of the two countries alone were dealt with.

We do not trace in the result of the tediously protracted negotiations at London, any more than we do in those at Ghent, much of that positive diplomatic skill, for which credit seems to be taken in behalf of the commissioners. The British kept out of the convention, as they had kept out of the Treaty, every matter that they chose; and withdrew only arrogant but really immaterial demands. But on the subject of commercial legislation, neither government entertained, at this time, very enlightened views. Not for many a year afterwards did Great Britain begin even to suspect the wisdom of her protective policy; and the American government, mistaking, by a very common process, *post* for *propter*, considered the British restrictive system as the *cause* of her immense commerce; and, with a view to foster their infant trade, adopted all the swaddling clothes and bandages which had repressed and imperilled the growth of the mercantile traffic of Britain. The "Free trade" which they used as their watchword during the war, and which their commissioners were instructed to strive for, was not absolutely that, but merely in relation to the British system. Their own trade they did not mean to open; on the contrary, at this very period, Clay and his associates in Congress were labouring to establish what they called the American system, which was essentially protective; and it was deemed a capital stroke of diplomacy, when Clay edged out of the British draft of the Treaty of Peace, the acknowledgment of the right to navigate the Mississippi. It was *British* trade that they maintained should be *free*; and to themselves only, not to every nation. This we must carefully bear in mind, all through our history. For the political vocabulary of the United States is very peculiar, and many remarkable juggles have been effected by the employment of common and generally understood terms in a peculiar and American sense,—as, in fact, we have repeatedly noted.

Little difficulty was felt in agreeing to the abolition of discriminating duties, on the imports into either nation, whether in the ships of one or the other. But, looking at the subject from the stand-point of the politics of the times, we are not surprised that the British statesmen should object to throwing open their colonial trade to the Americans,—who (as they then would say) could offer nothing in return for such a privilege. Whilst this, which has ever been regarded as the most valuable branch of commerce, was most longingly coveted by the Americans.

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After all the negotiations, notes, and conferences had been completed, a Convention for four years was signed on the 3rd of July, 1815; which differed in no respect for the better (as the United States government could regard it) from that first Treaty on commercial relations with Britain, which Jay negotiated, and respecting which Jefferson and his party made so great a stir;—and this notwithstanding the lapse of years since 1794; and notwithstanding the waging of a war which the United States claimed as successful for their side. And from this point of view an American annalist was justified in calling it a “meagre convention, by no means worth the time and talents spent in obtaining it.” On other accounts, a different opinion of it must be expressed, for it has actually served as a basis for a lucrative and advantageous commercial intercourse between the countries; and until the commencement of the *true* “Free-trade policy” of Great Britain, was not interfered with except by other conventions, hereafter to be spoken of, and by what Macgregor very justifiably calls, “absurdly conceived British orders in council, and President’s proclamations.” Which absurdities have, in conjunction with the protective and restricted trade measures of the Democrats, from the time of Jefferson, and the results of the British Free-trade measures, lately demonstrated (a truism, indeed,—but one which required demonstration) that the most hopeless of all plans for fostering and extending commerce, is that of putting a stop to it by embargoes and non-intercourse Acts, or a check by discriminating duties and the like.

In substance, this Convention amounted to the placing of the direct trade between the United States and Great Britain upon a strictly reciprocal basis. But the trade with the British possessions in the East Indies, was to be carried on in American ships, directly, only with the United States; and the traffic between the United States and the British possessions beyond the Atlantic, was not to be affected by the reciprocity article; “but,” as the Convention said, “each party was to remain in complete possession of its rights with respect to such an intercourse,”—which meant, that the United States should not be admitted to this branch of trade at all.

Out of this latter portion of the Treaty arose many “difficulties” between the two governments; as was, indeed, so inevitable, that it might safely have been predicted, at the time the Treaty was made. For, as one commentator upon it has remarked;—“the direct trade between the United States and Great Britain was so interwoven with that between the United States and the colonies, that the end which the American government had in view would have been defeated,—if, while the European part of the intercourse was placed upon a reciprocal basis, the colonial trade had been monopolized by British navigators. The reciprocity aimed at would have been relinquished, because the advantage exclusively secured to British vessels, by a combination of voyages, in the course of which supplies could be carried to the West Indies, would not be less real and operative in the trade with Europe, than if they were directly given by bounties or discriminating duties.”

But it is amusing enough to read, in the annals before referred to, the



assurance, that "the American commissioners were willing to place the whole on a liberal footing. They were desirous of considering the whole empire in a commercial view, as composing one great community, and of opening with it a liberal, reciprocal, and unrestrained intercourse." There is a simplicity about this, which would be affecting, were it not sublime. Had the United States been contending for a truly enlightened commercial policy; had they been capable even of entertaining such a system, (it is with profound regret that we remark, now in 1854, that they have not taken a step to imitate the "Free Trade" system of Great Britain,) their case against Britain would have been complete. But whilst Britain opened her British commerce to them, vastly as her portion of it exceeded theirs, on a footing of equality, it was transcending all known venturesomeness to demand, and even to expect, that all her colonial trade should be thrown open to them likewise;—they having nothing whatever to advance as a material reason, nor yet as an economical one, in support of their claim.

In the midst of these pacific proceedings, however,—whilst the waves were thus composing themselves to their ordinary, measured roll, after their rude tossings and heavings before the storm-blast of war,—another gust, from a different quarter of the heavens, smote them, and crested them with foam again. Our readers will remember the former war with the Barbary States,—the first naval war in which the United States engaged, after they had fought their way to freedom. The annual tribute also, and what poor Mr. Wood, *suppressed* by the hands of his friends, said about it, will likewise be remembered. With such powers, peace was as little to be desired as war; indeed, a heartily done war was in many respects to be preferred to any peace, and particularly to one purchased by the payment of a yearly tribute. Right barbarians as they were, the most humane and enlightened principle of dealing with them, was first to drub them soundly, and then to reduce them to the necessity of getting honest livelihoods. Washington, hoping by other treatment to lead them into the ways of civilization, only deferred the settlement of the dispute with them. And unhappily the practice of almost all the European nations was based upon the same fallacious hope; so that the delusion under which these nations of corsairs laboured was really inveterate.

Algiers was the first to make an open rupture with the United States now. The Dey complained of the quantity, quality, and worth of the goods sent to him, in the summer of 1812; and not only would he not receive them, but he ordered the vessel which brought them to quit the port immediately, and the American consul with her, in spite of every attempt made by that officer to explain matters. A new demand was also made, which shows the Dey to be an adept in the kind of cunning that enabled him to tyrannize over his own subjects with effect. The year of the Mohammedans, as all our readers know, consists of three hundred and fifty-four days only, and therefore there would be a greater number of their years, in any given period, than of years computed in the Christian manner. This peremptory and not very veracious potentate now insisted that the years contemplated in

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Finding that by no other means than compliance with this insane order he could avert the threatened penalties, the consul was compelled to get the money as he could and pay it on the spot. But immediately that this was done, and ship, cargo, and consul gone, the Dey commenced a piratical warfare against United States' vessels, and captured all he could. Madison, whose hands were filled with hostile troubles, attempted by confidential and friendly negotiation to ransom the prisoners thus made; but the terms demanded by the insolent barbarian were so outrageous, that nothing could be done; and the war with Great Britain following immediately, the prisoners were obliged to rest in hope that they should be rescued, until the peace.

To this praise, and it is no slight one, for it more than realizes the philosophic ideal of a republic, Madison is undoubtedly entitled:—he lost no time, when peace was actually made, in taking steps for the recovery of the Algerine captives. On the 18th of February, 1815, the signature and ratification of the Treaty of Ghent was intimated to Congress; on the 20th a Message was sent "relative to the Barbary powers;" and three days later a declaration of war against Algiers was recommended in another Message. Congress, more wary, or more slow to feel as the Executive could, the life of the nation in each individual citizen thereof, responded to this recommendation by passing an Act, on the 2nd of March, for the protection of commerce from Algerine cruisers. Which, though it did not contain a formal declaration of war, authorized the President to send a sufficient force to the Mediterranean and adjoining seas, to protect the commerce of the United States, and, in short, to do everything but "declare" war.

Madison, accordingly, immediately fitted out the most effective squadron that he could. The *Guerriere*, *Constellation*, and *Macedonian*, all famed in combats on the sea, with six smaller ships of war, were put under the command of Decatur, and sent to the Mediterranean. In little more than three weeks his squadron was at Gibraltar, and there received intelligence which induced him to proceed at once against the enemy. On the 17th of June he fell in with the *Massouda*, 46, commanded by Rais Hammida, once a Berber chief, now a famous corsair captain, and admiral of the Dey's fleet. A running fight of near half an hour ensued, and at the end of it the Algerine struck to the *Guerriere*. Hammida was cut in two by a chain shot, at the first broadside; and at the second, the pirates, not relishing such sharp shot, left their quarters and ran below, in fact, abandoning the ship to her fate. Despatching his prize to Carthage, the Commodore continued his search; and two days afterwards came up with a brig of twenty-two guns,

which, after a chase of three hours, ran into shoal water off the Spanish coast, and was there attacked and captured by the small vessels.

On the 28th of June, the squadron proceeded to Algiers, both to intercept the rest of the Dey's fleet, and to open communications with him, if it should be possible. Taking a position out of reach of their guns, Decatur signalled the Swedish consul on board, and by him sent ashore the letter of the President to the Dey. In reply, the captain of the port came on board, and the terms proposed to him, as the basis of a treaty, were the absolute and unqualified relinquishment of all claims to tribute from the United States. The Algerine rejected this proposal with indignation, until he was assured of the destruction of the two ships, and the death of the admiral. When he found that the American commander was in a condition to enforce whatever terms he pleased, and after offering fruitless objections to some of the Articles in the draft produced by Decatur, the negotiation was closed. All the American captives were released, and the Treaty was executed, in three hours afterwards; to the satisfaction of the Dey, as it proved; for another of the Algerine vessels hove in sight during the interval, and another hour's delay would have been repaid by its capture. "Tribute renounced for ever," says Ingersoll, "prisoners emancipated, compensation for whatever losses were stated, together with stipulations for humanities of international law, were the terms of this Treaty, which served as a model to similar conditions, soon afterwards submitted to, unresistingly, by Tunis and Tripoli."

After giving up the two captured vessels, which was as politic on Decatur's part as it was gratifying to the Dey, the squadron proceeded along the coast to Tunis. News of the first success were sent home by the *Epervier*, which unhappily perished on the voyage with all hands on board her. The object of the extended cruise was, to impress upon the piratical states of Northern Africa, the conviction that the United States, though so recently engaged in such a contest with the greatest maritime power in the world, were fully able to protect their mercantile marine; and with that view a relief squadron of heavier ships, the *Independence*, 74, the *United States*, and *Congress*, with five smaller vessels, under Commander Bainbridge, was despatched in June to follow Decatur, and increase the effect of his demonstration.

Learning at Tunis that two American prizes, during the late war, had been taken out of that port, and carried off by a British cruiser, and that other injuries to the United States had been allowed, Decatur demanded and procured instant satisfaction for the insults, and full restoration of the property. At Tripoli, the pacha had permitted two American vessels to be taken under the guns of his castle, and had refused protection to an American cruiser within his jurisdiction; and for these wrongs, in like manner, full compensation was demanded and given. When Bainbridge's squadron arrived, it was found that every thing required by the honour and the interest of the United States had been accomplished; and in consequence, leaving part of his force to winter in the Mediterranean, he returned home: where he found Decatur, who had arrived a few days before.

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The Dey made one more attempt to recover the position he had lost,—refusing to recognise the ratified copy of the Treaty, when sent him in the following summer. But his understanding having been assisted by the appearance of the American squadron in the bay of Algiers, he offered no further resistance:—having, indeed, another and more mighty antagonist at that time, Great Britain, who shortly afterwards bombarded the city, and opened the way for the final destruction of the state by the French.

Enough has been said in the last Book of the Message to Congress read on the 4th of December, 1815<sup>9</sup>; and in the same place will be found mention of some measures of the Legislature and the Administration, by which the relations of the United States with foreign nations were, in certain respects, regulated; and of some other Acts, by which the state of things resulting from the war was brought back, in design at least, to the ordinary course of affairs in times of external tranquillity. Very remarkably, when the ratification of the commercial convention came to be discussed in Congress, the same question was revived, which the Republican party, in 1794, had so warmly agitated,—the power, namely, of the President to conclude a treaty with any foreign nation, without the concurrence of the House of Representatives. Considerable difference of opinion prevailed between the two Houses, upon the proper method for giving effect to the reciprocity clause of that convention. The Senate, on this occasion, took the Federalist view of the subject; while the House maintained that the formal repeal of the discriminating duties was required. To obviate the difficulty, the passing of an Act simply declaring that those duties were repealed, was proposed by the Senate; and after some objections, upon the recommendation of a committee of conference, agreed to by the House.

Another subject discussed in Congress, during this session, was one which threatened to interrupt the amicable relations of Great Britain with the United States, before they were fully established. An outline of this incident is all that we can present to our readers here; but this will be sufficient for the purpose.

In Dartmoor prison, in Great Britain, almost all the American prisoners of war were confined. It does not appear that they were subjected to worse treatment than persons in their unhappy condition customarily experienced, at the hands of their captors, in those times. We know, however, from unexceptionable evidence, that the feeling with which the combatants and prisoners, on either side, regarded each other was extremely bitter. As soon as the conclusion of a treaty of peace between the two countries became known to the *détenus* in Dartmoor, the greatest excitement prevailed amongst them. Under their circumstances, no ordinary amount of philosophy would have been required, to enable them to receive such intelligence, unaccompanied by the proclamation of their own personal liberty, with calmness. Every hour's delay in opening the prison-gates to them, was to that extent an abridgment of their liberty; and was proportionally resented. The effects of the manifestation of which feelings upon the soldiers on guard, without

ascribing to them any excessive amount of the insolence of office, could not but have been extremely unfavourable.

Early in the month of April, 1815, as we learn by the report of the commissioners appointed by the two governments to inquire into the matter, "an increased degree of restlessness, and impatience of confinement," "principally indicated by threats of breaking out, if not soon released," appears to have prevailed amongst the prisoners. On the 4th, they were guilty of much insubordination, but not such as to make the employment of force necessary. Two days afterwards, in the evening, so many things, trifling in themselves, but all seeming to show a determination on the part of the prisoners to obtain their liberty in spite of the guard, occurred, that the officer on duty rang the alarm bell; which not being understood by the prisoners, they proceeded to more daring acts of disobedience. The greatest possible confusion prevails in the evidence which was subsequently taken, and much of it we can receive only as showing the exasperated feelings which prevailed on both sides. Making all reductions on this account, it appears, that the soldiers felt themselves compelled to use their fire-arms, for the purpose of intimidating the prisoners, and compelling them to desist from further acts of violence. But as they proceeded in what is called the humane way, firing *over* the heads of the rioters, nothing but irritation and fresh insults were the consequence; whereupon the military fired again, and yet again, upon the unarmed crowd, killing, in all, seven, and wounding thirty dangerously, and as many more slightly.

Clay and Gallatin, at that very time in London, engaged in negotiating the commercial convention, immediately put themselves in communication with Lord Castlereagh, and a complete, if not a very satisfactory, investigation of the whole affair took place. And finally, the Prince Regent communicated to Monroe his disapprobation of the conduct of the soldiers, and his desire to make a compensation to the widows and families of the sufferers; which proposition the President, "doing full justice to the motives which dictated it," declined to accept. This was the "Dartmoor Massacre," and, happily, it led to no rupture between the governments.

The attention of the Administration had been, since the termination of the war, earnestly directed to the subject of the claims of American citizens on the belligerent governments of Europe, on the ground of commercial spoliation. The treaty of Ghent had settled the question of these claims, as far as Great Britain was concerned; but there still remained those against France, Spain, Naples, Holland, and Denmark,—some of them dating from before 1800,—to be settled.

Pinkney, the new ambassador to Russia, was sent to Naples first, to enforce the claims we speak of; but although he paraded the new seventy-four, with other parts of the Mediterranean squadron, in the bay of Naples, the Bourbon sovereign, acting upon the advice of the emperors of Russia and Austria, declined to hold himself responsible for what had occurred under the dominion of Murat; and Pinkney was compelled to depart, without having

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effected the least thing. Nor was Eustis more successful at the Hague. There, also, the acts of the Bonapartean sovereign were formally disclaimed; and no satisfaction could be had. With Denmark likewise nothing could be done.

Similar objections to many of the claims made upon the Spanish government also, were urged. Neither did an offer to accept the cession of Florida as full compensation of these claims, lead to a more satisfactory result; although it was supported by the proposal to be contented with a narrower boundary for Louisiana, on the side next Texas. The Spanish ambassador declined to open negotiations, until that part of Florida, of which we have said in another place the United States had taken possession, was restored. He also complained, and that with sufficient justice, of the *filibustering*, which had been tolerated, (though proclaimed against,) if not privately sanctioned, by the government of the United States; and still more of the privateering, which was carried on against Spanish commerce, by citizens of the United States, under the flags of the insurgent colonies of Spain.

But although no satisfaction for mercantile losses could be obtained from Spain, the President felt bound, after the representation made by the Spanish ambassador, to secure the passage of an Act of Congress against the privateers, which was as effectual as such Acts usually were.

There was one outrage of which, as it appears, the ambassador did not complain; and yet for it, more than for any other, the United States were bound to give satisfaction. While Bainbridge was idly cruising in the Mediterranean, intent upon demonstrating to the weaker powers there the naval strength of the Anglo-Saxon republic, which had even dared to measure swords with Great Britain; it chanced, one July day, that he lay off Malaga. There, remarkably enough, one of his crew *deserted*, and being apprehended by one of his officers in the streets of the place, was set at large again by the authorities, for the perfectly astounding reason,—that he was a subject of Spain! We of course fully admit that this was altogether untenable, and we marvel at the perverted taste of the fellow who made such a choice; but still we learn with the most unfeigned astonishment that Bainbridge, reading the motto on the flag of his navy exactly backwards, since “the case was altered,” now enforced “seamen’s rights,” by threatening to bombard the city, and to seize and carry his man off by force, if he were not peaceably given up to him! We do not regard the method of enforcing the giving up of deserters, practised by the British, as one to be imitated; nor can we consider their disregard of the laws of naturalization prevalent in the United States, as dignified; although we have been compelled to grant that, viewed from their own ground, they frequently had the right on their side, in their collisions with the Americans, on this subject. But from the American starting-point how any man could arrive at such a practical issue, wholly passes our comprehension; and we can only place this note of unmitigated admiration, at the stupendous inconsistency of the men who aspired to recast the laws by which the intercourse of nations was governed, and to break the tyrannical rod of the Queen of the Seas!



France proved as little disposed as any of the other powers we have spoken of, to make compensation for the depredations she had committed upon the commerce of America. But it must be remembered, that in the height of philo-Gallican frenzy, during Washington's Presidency, Monroe had assured the Directory that the United States would cheerfully submit to such spoliation, for the benefit of their generous ally, and the whole of Jefferson's party, now in the ascendant, had (though informally) ratified his bombast. The tameness with which Bonaparte's demands and outrages had always been received, would have warranted any ruler in believing that no objections of the least weight were so much as felt by them. And besides, Napoleon had insisted upon the setting off of all demands on France, for depredations committed between 1800 and 1803, as part payment for Louisiana; and before this, had refused to accept Jefferson's ratification of the convention, negotiated under John Adams' auspices, unless one of the articles relating to spoliation committed before 1800, which he had himself introduced and ratified, were withdrawn!

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These proceedings, as well as the directing of hostilities against Great Britain only, when both France and Great Britain were complained of, as molesting and harassing the commerce of the States, would have been quite sufficient to explain, if not to justify, the refusal of France to admit the claims now urged against her. And, at the same time, we shall not be amazed at seeing the unsatisfied claimants for this compensation grow almost into an "institution," in America; nor will it, on the whole, displease us greatly, that we should be able, by such an instance as this, to show how sternly righteous a Nemesis presides over the doings of nations, and makes their seemingly trivial indulgences in wrong, all, at the fitting moment, prove means of national chastisement, for this is one function of History in relation to the present and coming generations.

For some account of Madison's last Message, which bears date December the 3rd, 1816, we refer our readers to the chapter devoted to the internal affairs of the Union; quoting, however, one brief passage from the conclusion. In taking his final leave of Congress, he eulogizes the American people and Constitution, and expresses his hopes respecting the future of his country; desiring, amongst other things, that it should "exhibit"—"A government which avoids intrusion on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened eye, and the sentiments of a virtuous people, [from all the horrors of its Slave Laws, for example!—but when shall that day come?] seeks, by appeals to reason and by its liberal examples, to infuse into the law which governs the civilized world a spirit which may diminish the frequency, or circumscribe the calamities, of war, and meliorate the social and beneficent relations of peace. A government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions,—that of

CHAP. V. promoting peace on earth, and good-will to man." An aspiration which, alas! yet seems to be far from its realization.

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The Navigation Act, cursorily mentioned in an earlier page, was merely an imitation of the narrow policy of the British. It was intended, in part, to supplement the Protective Tariff; and in part, to operate upon Great Britain in the direction indicated by the claims made at the negotiation of the commercial convention; and its details do not need to be specified. Placed in a position so advantageous for the introduction of a large and liberal policy, as never was occupied by nation before, the United States not only lost the opportunity of signalizing themselves as truly the leaders in the mighty march of civilization; but, just as with the Jeffersonian embargo schemes, imposed needless burdens of fetters on themselves, because the mother country would not treat their independent government as a daughter state, and admit it to share its own illusory gains. Could it be to the accident that the political force of the Union was wielded by the anti-commercial party, whilst the chief or only ground for them to show their opposition to Great Britain, was commerce,—that this was owing?

Here we may take leave of the Administration of Madison. It was a period of trial for the United States; but, as it now appears, trial which was *appointed* for high ends—if wisely used; though if unwisely received, for unspeakable woe and injury. The sequel of our History will assist in determining how it actually was used. But though we thus regard the events, those who guided and originated them we must judge as *men*,—and on this principle we can accord but little praise to the successor of Jefferson. His condemnation may be summed up in a word. He hurried the nation into war, without conviction, to do the behests of the party which had made him President, and alone could extend his term of office. Nor can the eulogy of the Federalist writer, who has so unpityingly exposed the political immoralities of his more eminent master,—that he “retired with dignity from his high station,” and “maintained that dignity in retirement, exhibiting an honourable and exemplary virtue, as a private citizen, through a prolonged life,”—be pleaded in extenuation of this grievous fault.

## BOOK X.

### THE ADMINISTRATIONS OF MONROE AND JOHN QUINCY ADAMS.

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I.—PROGRESS OF THE UNION UNDER MONROE'S PRESIDENCY.—CHARACTER OF THE PERIOD COMPRISED IN THIS BOOK.—MERCANTILE EMBARRASMENTS.—THE PRESIDENT'S TOURS.—THE FLAG.—INTERNAL IMPROVEMENTS.—PROTECTION.—THE CENSUS.—MONROE RE-ELECTED.—THE MISSOURI COMPROMISE.—BANKRUPTCY LAWS.—STATE OF PARTIES.—THE "SUCCESSION."—PUBLIC LANDS.—KING'S EMANCIPATION SCHEME.—THE PRESIDENTIAL ELECTION.

II.—PROGRESS OF THE UNION UNDER JOHN QUINCY ADAMS' PRESIDENCY.—THE "GREAT CONSPIRACY."—THE OPPOSITION AND THEIR TACTICS.—VISIT OF LAFAYETTE.—PROPOSED AMENDMENTS TO THE CONSTITUTION.—EXECUTIVE PATRONAGE, AND PLACEMENT.—INTERNAL IMPROVEMENTS.—PUBLIC LANDS.—THE JUBILEE OF THE DECLARATION OF INDEPENDENCE.—GENERAL JACKSON ELECTED PRESIDENT.—PROTECTION.—DEBATES OF CONGRESS.—THE FEDERAL COURTS.—ORDER IN THE SENATE.

III.—FOREIGN AFFAIRS DURING THIS PERIOD.—NATIONAL DEFENCES.—FILIBUSTERING AND PRIVATEERING.—EXPLANATIONS OF RECIPROCITY IN TRADING WITH GREAT BRITAIN.—CONVENTION WITH GREAT BRITAIN.—TRADE WITH BRITAIN PROHIBITED.—SYMPATHY WITH THE REVOLTED COLONIES OF SPAIN, AND WITH GREECE.—SEMINOLE WAR.—COMMERCIAL TREATIES.—AMERICAN CONGRESS AT PANAMA.

IV.—NORTHERN OR FREE STATES.—STATES OF ILLINOIS AND MAINE.—TERRITORY OF MICHIGAN.—THE PRESIDENT'S TOUR.—INDIAN RELATIONS.—OREGON TERRITORY AND THE COLUMBIA.

V.—SOUTHERN OR SLAVE-HOLDING STATES.—STATES OF MISSISSIPPI AND ALABAMA.—TERRITORIES OF ARKANSAS AND FLORIDA.—MISSOURI.—THE PRESIDENT'S TOUR.—FILIBUSTERS.—SEMINOLE WAR.—REMOVAL OF THE INDIANS.—CONTROVERSY WITH GEORGIA.—SLAVE-TRADE IN DEFIANCE OF TREATIES.—TEXAS.





## CHAPTER I.

PROGRESS OF THE UNION UNDER MONROE'S PRESIDENCY.—CHARACTER OF THE PERIOD COMPRISED IN THIS BOOK.—MERCANTILE EMBARRASMENTS.—THE PRESIDENT'S TOURS.—THE FLAG.—INTERNAL IMPROVEMENTS.—PROTECTION.—THE CENSUS.—MONROE RE-ELECTED.—THE MISSOURI COMPROMISE.—BANKRUPTCY LAWS.—STATE OF PARTIES.—THE "SUCCESSION."—PUBLIC LANDS.—KING'S EMANCIPATION SCHEME.—THE PRESIDENTIAL ELECTION.

WITH this Book we advance into the domain of *contemporaneous* History. Peculiar difficulties here attend our task. We are not now enveloped in mists or bewildered by mirages, as in the pre-historic period; nor are we perplexed in a maze of well-beaten tracks, all (seemingly) conducting towards the end we are seeking, but of which so many lead to quite opposite issues. It is over the last alluvium of the huge ocean-river of Time that we have now to win our way, by connecting, with our best skill, the widely separated spots of solid ground, by means of firmly planted stepping-stones; noting as we pass whatever specialities of surface or soil may strike us, either as novel, or as analogous to those we have met with in our journeyings in older lands. And at every step we are reminded that the present appearance of the country is not that which it shall finally assume, when these barren sand-banks and quaking marshes shall have become smiling corn-fields and rich meadows; and a permanent and more luxuriant vegetation shall have established itself in every part. Many a foretaste of these difficulties, which we have had in the former portion of our work, may, however, have prepared both ourselves and our readers for actually encountering them. And we are further comforted by the consideration, that only by degrees shall we be required to exercise our skill in surmounting the most numerous and formidable.

The period which now opens before us was one distinguished in its most essential features from all those which had preceded it. The old parties, which had maintained a perpetual contest in the political arena, gradually died out, and new combinations took their place, both in the conduct of home and foreign affairs, and in the management of matters affecting the States severally and in Confederation. Not, as will soon be seen, that the ultimate grounds of these party divisions were different from what we have discerned them to be, for the Federalists and the Republicans; but that the opposing policies, based upon the maintenance of State-rights and Union-rights, upon Commerce and Agriculture, upon Freedom and Slavery, were differently blended, and tintured variously, by the introduction of other and less fundamental opinions. We may say, generally, that the political system, of which Clay is

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representative and exponent, was in the ascendant when Monroe first took his seat in the President's chair; but when John Quincy Adams, after a single term of office, left the White House, the dominant system was that with which the name of his successor, Andrew Jackson, has become most completely identified.

Moreover, it was not a season in which the Constitution and the Union were called upon to resist any very severe shocks. On the whole, it was a time of considerable tranquillity, both externally and domestically. And, as cause and consequence of this, in part, and at once, a new branch of trade,—which we have noticed as growing rapidly and surely, both in peace and during war, and to which, perhaps, the new combinations of parties (of which we spoke) may be in good part owing,—Home Manufactures; this new branch of trade, less narrow than Agriculture, less cosmopolitan than Commerce, now thrived most vigorously.

We said, in a former page, that with the Peace of Ghent the United States attained their majority. Proofs of this will abound in our story of the period we now commence. It will be found, that not only did the magnanimity of Britain operate so as to preclude a fresh rupture between herself and America; but America too,—as if to have contended, not without glory, unaided, against the greatest power, both by land and by sea, at this particular time, sufficed for her,—was intent upon matters of more real splendour than renown won by military or naval achievements. And this was one reason why a war, in itself so unsatisfactory, should lead to such abiding and satisfactory results.

Another reason may be found in the circumstances of France during those twelve years. Napoleon having been overthrown; and all the ambitious views of that country—both those which were but the reflection of the opinions that originated or sprung from the War of Independence in America, and those which were generated by the astounding successes of the Revolutionary armies, and the aspirations of Bonaparte—having died out with him; the country too, being by exhaustion and by conquest alike lowered in rank amongst the nations of Europe;—the chief extraneous incentive to disputes with Britain was wanting. And to the same cause may be attributed, in part, that attainment of real independence, which we spoke of, in another place, as following the close of the Second War.

Perhaps we may in some degree ascribe the tranquillity of this period, or at least of its former part, to the undistinguished character of the President, Monroe. The appointment of so inconspicuous a person to a station of such eminence, was the lowest fall accomplished by party votings up to that date. Neither as a diplomatist nor as a statesman had he shone in the annals of America. The embrace given him by Merlin *Suspect*, his unratified treaty with Great Britain, his Conscription scheme, and his pledging his own good name for the purpose of obtaining supplies for Jackson at New Orleans, these—the last of which alone had any merit, and that rather of a private than a public sort,—these were his claims to fame. He did not increase them by the opportunities afforded him, in the eight years he occupied the Presidential



chair. Such a chief magistrate could not illustrate his term of office by any deeds which would obscure the steady brightness of the people's doings; or cause them to exchange their regular course of action, for one which, being exceptional, would be recorded in more marked characters in their history.

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The ceremony of inauguration took place on the 4th of March, 1817, in the usual manner. The newly elected President and Vice-president, accompanied by a numerous cavalcade of citizens, proceeded from Monroe's house to the Hall of Congress. Madison was there, with the judges of the Supreme Court, the members of the Senate, the *corps diplomatique*, and other high dignitaries of state. In the Senate chamber, Tompkins took the oath of office as Vice-president, and was conducted to the chair, where he delivered a brief address. Then, having adjourned, the Senate attended the President to an elevated portico, erected for the occasion; where, in presence of a great concourse of people, Monroe delivered his Inaugural Address, and the oath of office was administered to him by Chief Justice Marshall.

Some points of the Address, which was of "firm and decided, yet mild and liberal tone," we may notice particularly; since it is from these documents that the line of policy, which the Presidents at least desire the country and the world at large to regard them as pledged to, is to be discovered.—After a sketch of "the highly favoured condition of our country," in which was involved the consideration of "the interest of every citizen to maintain it," the speaker discussed the "dangers which menace us;" starting from the following view of the fundamental condition of all he had spoken of, and all he was going to describe.

"The government has been in the hands of the *people*. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous; can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a *populace*, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavour to pursue it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties."

Next, considering the possibility of war arising again; and the duty of supporting the rights of the nation, and cherishing its strength; Monroe proceeded to detail a perfect system of national defences,—further mention of which we postpone for the present.

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"Other interests," he added, "of high importance, will claim attention; among which the improvement of our country by roads and canals, proceeding always with a Constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States, we shall add much to the convenience and comfort of our fellow-citizens; much to the ornament of the country; and, what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together." "Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. \* \* \* It is important, too, that the capital which nourishes our manufactures should be domestic. \* \* \* [And] equally important is it to provide at home a market for our raw materials, as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets."

The Indians, the revenue, the public lands, and the public debt, were dismissed with a few words; the need of "every facility," to enable the Executive (who was spoken of as "charged, officially, with the disbursement of the public money") "to bring the public agents, intrusted with the public money, strictly and promptly to account," because of "defaulters," was also urged; and the satisfaction experienced on account of the establishment of peace without, and the growth of harmony within, was duly intimated, with the correlated duties of cherishing and extending both.

"Never," said the new President, in conclusion, "did a government commence under auspices so favourable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our government has approached to perfection; that, in respect to it, we have no essential improvement to make; that the great object is, to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights, and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favour of a gracious Providence, to attain the high destiny which seems to await us."

And so,—for we may omit the complimentary allusions to his predecessor, and his hopes of aid from the other branches of government,—with this most remarkable eulogy upon a polity which allowed such an enormity and anachronism as Slavery to exist, with every proviso for a revolution in case its abolition should be attempted,—so did James Monroe "read himself in" to his exalted office. It must have been a strange thing to John Adams,

and to Jefferson, to hear what their successor had announced as the outline of his plan of political procedure. Disciple of Jefferson though he was, it was Federalism, rather than Republicanism, which Monroe's Address declared. But most of all, it was the system of Henry Clay, which (as we have before observed) was constructed of fragments of the old Federal "platform,"—the *Federalism* being omitted. How truly Monroe stood by his profession of policy, when called upon to *act*, we shall soon see. It will not surprise us, if he too should always find the Constitution to be just what the scheme or the desire of the occasion should suggest;—nor if party spirit, though its strength was now wasted and flagging, should compel him to forget what he had announced as the principles on which he would administer the affairs of the Union.

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In the same manner did Monroe select the members of his Cabinet. John Quincy Adams, recalled from his post at London, was made Secretary of State. William H. Crawford, who had formerly represented the United States at Paris, took the place left vacant by Dallas' death. Crowninshield was continued at the head of the Navy Department, and Meigs as Postmaster-general. The office of Secretary of War was offered to Governor Shelby, of Kentucky; but he considered himself too old for its duties, and no appointment was made till the end of the year, when Calhoun accepted it. The Attorney-generalship, which Rush held under Madison, was at last given to William Wirt, whom we have met with at the time of Aaron Burr's trial; Rush acting as Secretary of State till Adams' return, when he was sent as his successor to England. Not only were they all Democratic partisans, but all of them were of his own particular shade of Democracy,—advocates of the war, and believers in the ascendancy of Virginia.

He followed nearly the same course with the subordinate offices in the gift of the Executive. Most of them were filled by Republicans whom he did not, "for his own popularity," remove; but such as he could dispose of, he bestowed upon his own adherents. "The Federalists," says one historian of his Administration, "had nothing to hope from him; his course as Minister of France and Secretary of State had rendered him particularly obnoxious to them; and he had shown, throughout his whole public career, that his party predilections were strong and decided."

In fact, no Federalist of any earnestness *could* have acted along with a Democratic President and Cabinet; for the real distinction of the parties were too deep and fundamental to admit of either compromise or co-operation. The bad success of Washington's experiment with Jefferson for Secretary of State was enough, of itself, to deter any of his successors from a similar endeavour. And now that the Executive was always the representative of a party, the very thought of consulting for the Union at large, in such a matter as the choice of a Ministry, could no more find admission, than, in the appointment of collectors of customs and postmasters, the considerations of trustworthiness and fitness for duty. And there was always a whole herd of candidates for offices, all of them distinguished by their zeal in the elections,



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I. of pay and distinction, without too much responsibility or labour.

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Remarkably enough, before his inauguration, Monroe received from General Jackson, with whom he had now become very intimate, a letter on this subject, which Washington himself (could he have been for the occasion a rhetorician of the backwoods) might have written. "Your happiness, and the nation's welfare," said the illustrious commander of the Tennessee Volunteers, "materially depend on the selections which are to be made to fill the Heads of Departments. Every thing depends on the selection of your ministry. *In every instance, party and party feelings should be avoided.* Now is the time to exterminate that monster called party spirit. By selecting characters most conspicuous for probity, virtue, capacity, and firmness, without regard to party, you will go far to, if not entirely, eradicate those feelings, which on former occasions threw so many obstacles in the way of government, and perhaps have the pleasure and honour of uniting a people heretofore politically divided.

"The chief magistrate of a great and powerful nation should never indulge in party feelings; his conduct should be liberal and disinterested, always bearing in mind that he acts for the whole, and not a part of the community. By this course you will exalt the national character, and acquire for yourself a name as imperishable as monumental brass. Consult no party in your choice. Pursue the dictates of that unerring judgment which has so long and so often benefited the country, and rendered conspicuous its rulers."

Jackson's main object was to recommend Colonel William Drayton, of South Carolina, a staunch Federalist, for the post of Secretary of War, and to decline that office himself; and so he gave as complete a proof as he could of the honesty of his counsel. In the correspondence which followed, the General allowed that some of the Federalists had been spies and traitors, and averred that, had they fallen under his control, he would have subjected them to martial law,—which we do not for a moment doubt;—but he still maintained, that their errors ought now to be forgiven, and themselves raised to an equality as to political rank with their opponents: the Constitution not contemplating the restriction of offices to the members of any one party,—nor, indeed, contemplating so much as the existence of party.

Years afterwards, when for electioneering purposes these letters were dragged from their hiding-place and published, all men trusted that the chivalrous and large-minded politician of Tennessee would afford a conspicuous example of the generous conduct he had so enthusiastically recommended to his friend. How signally this reasonable expectation was disappointed, and the man who had been most liberal in his advice became most narrow-minded and tyrannical in practice, we shall in time discover. Monroe's reply to this remarkable professor of political amenities had at least the recommendation of agreeing with his conduct; and therefore deserves some slight notice.

Commencing with the admission of the principle which Jackson contended

for, he insisted that the time was not come for political action independent of party ; since the distinction between Republicans and Federalists, even in the Southern States, had not fully been done away.

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“To give effect to free government,” he proceeded, “and secure it from future danger, ought not its decided friends, who stood firm in the day of trial, to be principally relied on? Would not the association of any of their opponents in the Administration itself wound their feelings, or, at least, of very many of them, to the injury of the Republican cause? Might it not be considered, by the other party, as an offer of compromise with them, which would lessen the ignominy due to the counsels which produced the Hartford Convention, and thereby have a tendency to revive that party on its former principles? My impression is, that the Administration should rest strongly on the Republican party, indulging toward the other a spirit of moderation, and evincing a desire to discriminate between its members, and to bring the whole into the Republican fold as quietly as possible.

“Many men, very distinguished for their talents, are of opinion that the existence of the Federal party is necessary to keep union and order in the Republican ranks ; that is, that free government cannot exist without parties. This is not my opinion. The first object is to save the cause, which can be done by those who are devoted to it only, and of course by keeping them together ; or, in other words, by not disgusting them by too hasty an act of liberality to the other party, thereby breaking the generous spirit of the Republican party, and keeping alive that of the Federal party. The second is, to prevent the re-organization and revival of the Federal party, which, if my hypothesis is true, that the existence of party is not necessary to a free government, and the other opinion which I have advanced is well founded, that the great body of the Federal party are Republican, will not be found impracticable.

“To accomplish both objects, and thereby exterminate all party divisions in our country, and give new strength and stability to our government, is a great undertaking, not easily executed. I am, nevertheless, decidedly of opinion that it may be done ; and should the experiment fail, I shall conclude that its failure was imputable more to the want of a correct knowledge of all circumstances claiming attention, and of sound judgment in the measures adopted, than to any other cause. I agree, I think, perfectly with you, in the grand object, that moderation should be shown to the Federal party, and even generous policy be adopted toward it ; the only difference between us seems to be, how far shall that spirit be indulged in the outset.

“In the formation of an Administration, it appears to me that the representative principle ought to be respected, in a certain degree, at least ; and that a Head of a Department, there being four, should be taken from the four great sections of the Union, the East, the Middle, the South, and the West. This principle should not be always adhered to ; great emergencies, and transcendent talents, would always justify a departure from it, but it would produce a good effect to attend to it when practicable. Each part of the

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Union would be gratified by it, and the knowledge of local details and means, which would thereby be brought into the Cabinet, would be useful."

Monroe's Cabinet would seem to have been well chosen, and to have given general satisfaction; for the only changes made in it, during the whole of his continuance in office, were the appointment of Smith Thompson in Crown-inshield's place, as Secretary of the Navy, late in 1818; and, at the end of 1823, the appointment of S. L. Southard, as successor to Thompson, when he was made a judge, and of John M'Lean, instead of Meigs, as Postmaster-general. And if the opinion entertained by some, that the measures of the government could not have been more liberal, had Jackson's counsel been followed, be not quite correct; it is certain, that the fusion of parties, which happened during this Presidency, is to be ascribed, in good part, to the moderation of those who had the conduct of public affairs.

It was not in the political principles avowed in his inaugural address alone that Monroe departed from the example of his chief. No sooner were the ceremonies of the inauguration, and the other constitutional formalities required by the change in the Administration, concluded, than the President made preparations for a tour of inspection through the Northern States. Having been in various subordinate situations of government, he was able to understand the necessity of seeing with his own eyes whatever it was necessary for him to be informed upon. Wherefore, for the sake of ascertaining the strength of the various fortified places along the Atlantic coast; of removing such works as were constructed in improper situations; of selecting new points for the erection of strong and sufficient batteries, against invasion; and of posting the regular forces where they would be able to act, in case of need, speedily and effectively, he now set out from Washington. Nor was he less moved to undertake this journey, by "his desire to become acquainted with the people and learn their wants, to ascertain how the machinery of government, remote from the central power, performed its functions, and to inform himself in regard to the resources of the country, and the means necessary to develope them." He also intimated publicly, that a regard to the economical expenditure of the national funds, appropriated by Congress to the construction of the coast defences, induced him to make this tour.

Little, however, could in reality be expected from so cursory a view as he would be able thus to take; and there were other objects, important enough to him personally, and to his party, which would probably be accomplished by this means. A visit from the most exalted personage in the country, whether he is called President or Kaiser, is at all times gratifying to the communities selected for the honour; and there was a large section of the population of the Northern States, politically opposed to him, which might be conciliated to him by this very cheap contrivance. The acerbity of party feeling, too, and especially of the Federalists of '98,—“the Essex Junto,” that terror of the Democrats,—might be greatly edulcorated thereby; and if dissentients should not be brought into the Republican fold, they might, at least, be induced to be content with the Republican President.



We shall relate some of the incidents of this tour, in our chapter upon this part of the Union; but we must notice here one singular preparation for that kind of effect which we last spoke of. "His ordinary costume," we are told, "was the undress uniform formerly worn by officers of the American Revolution, namely, a military blue coat of domestic manufacture, light under-clothes, and a cocked hat. A becoming taste," our informant adds, "for a President who had been a soldier of the Revolution; and which tended to awaken in the minds of the people the remembrance of the days of Washington." Of the "inconveniences of comfortless lodgings and unpleasant and fatiguing travelling," and of the unabated "cheerfulness and sense of public duty," manifested by the tourist, nothing at this time shall be said by us; neither can we speak of the "advantageous results" which (the "Narrative of the Tour" assures us) "will long be remembered and acknowledged by the nation;" since, stedfastly considered, they resolve themselves into the dubious praise of having given by his "mild and conciliatory course" the *coup de grâce* to Federalism, and introducing new divisions and combinations, by means of, or in spite of, which, public affairs have got on, as they best could, ever since.

Jefferson's opinion of this proceeding of his disciple and successor we have not seen recorded. But if he earnestly believed what he said of the advances towards monarchism indicated by the receptions and tours of Washington, he must have regarded the revival of the receptions by Madison, and of the tours by Monroe, as a mournful dereliction of genuine Republicanism: and if he did not believe it, no keener reproach than this adoption of what he had called the "forms of royalty," by his two chosen followers, could have been devised; nor could any more shameful confession have been made than that which we discover in his silence concerning it.

On the 18th of September, the President returned to Washington, after having been absent from the seat of government three months and a half, and having performed a journey of more than two thousand miles.

The fifteenth Congress met for its first session at the beginning of December, 1817. The majority of the Democratic party was still greater now than on former occasions, there being but very few Federalists of note returned, and the greater number of the members being new, in both Houses. In the Senate, Hanson, from Maryland; Harrison G. Otis, of Massachusetts; and Rufus King, of New York, were the only distinguished Federalists now; and the last-mentioned Senator already contemplated desertion from the ranks of his decaying party. On the other side were found there, Campbell, of Tennessee,—he whose duelling pistols proved of so little service to Madison, in the rout of Bladensburg and the sack of Washington;—Eppes, of Virginia; Macon, of North Carolina; Claiborne, of Louisiana; Troup, of Georgia; and Crittenden, of Kentucky.

Pitkin, of Connecticut; Shaw, of Massachusetts; and Sergeant, of Pennsylvania, were the chief Federalists in the House of Representatives. The leading Republican members of that House were, Morton, of Massachusetts; Seybert, of Pennsylvania; Samuel Smith, of Maryland; Taylor and Tallmadge,

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of New York; Barbour, Burwell, and Mercer, of Virginia; Lowndes, of South Carolina; Forsyth, of Georgia; and Henry Clay, of Kentucky. Calhoun, as we have related, had already been promoted to the ministry of war. A hundred and forty-four votes, out of one hundred and fifty, replaced Clay in the Speaker's chair, and John Gaillard was chosen to act as president *pro tem.* in the Senate.

The Message was read on December the 2nd. It congratulated the Legislature upon the general condition of the country; told how arrangements with the British government, respecting naval armaments on the lakes, the north-eastern boundary, and the fisheries, were proceeding; how relations with Spain were in no more favourable condition than before, but rather, indeed, in a less favourable condition, from the "sympathy" of the citizens of the United States with the patriot party in the revolted colonies of Spain; and from the inveterate habit of filibustering in the Southern States,—against which so many proclamations had been idly emitted, and about which we must speak in a future chapter.

The statement respecting the internal concerns of the country was described as "peculiarly gratifying." "After satisfying the appropriations made by law for the support of the civil government and of the military and naval establishments, embracing suitable provision for fortifications and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the Treasury, on the 1st day of January next, applicable to the current service of the ensuing year." The receipts for the next year were estimated at twenty-four millions and a half of dollars, and the outgoings at nearly twenty-two millions; so that there would be an excess of revenue beyond expenditure amounting to nearly two millions and three-quarters, exclusive of the balance expected to be in the Treasury at the beginning of the year. The financial prospects of the country were, therefore, most bright and promising.

Next came befitting mention of the militia, the army and navy, the Indians, and the public lands. A recantation of the view of "internal improvements," given in the inaugural address, followed. "Disregarding early impressions," said the President, "I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is a settled conviction in my mind, that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incident to, or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted." And he therefore suggested an Amendment to the Constitution; in which he thought might be included the right of Congress to institute "seminaries of learning," as one very important branch of such "improvements."

Manufactures and machinery, the public buildings at Washington, and

"the surviving officers and soldiers of our revolutionary army," all received their share of attention ; but the best part of the Message was the concluding paragraph, in which, like a true disciple of Jefferson, Monroe said ;—" It appearing in a satisfactory manner, that the revenue arising from imposts and tonnage, and from the public lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the public debt, and to the extinguishment of it at the time authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal." But he added a promise to recommend the re-imposition of them, if circumstances should seem to indicate the necessity for such a step.

One very agreeable characteristic of this session is noted by contemporaries,—much less acrimony and recrimination marked the debates, and "there was much harmony among members of different political views." And,—perhaps in consequence of this, unless it was (as it might well be) the cause of so noticeable a circumstance,—"most of the measures recommended by the President were approved by a large majority of Congress."

First amongst the matters attended to by the Legislature, was the removing of the war taxes. The duties on licences to distillers and others, on sales by auction, pleasure carriages, stamps, and refined sugar, were, by one Act, swept away. The duty on salt was also marked for repeal ; but, prosperous as the finances seemed, apprehension was expressed by the Secretary of the Treasury, that instead of a surplus there would be a deficit, if all that the President promised, and the people expected, were given up ; this, therefore, was retained. A considerable section of the members desired a gradual repeal of these duties, that so the larger reliefs to be effected by removing all burdens entailed by the war might be the more speedily accomplished. The people, however, willed it otherwise. Jefferson had made internal taxation, save under pressure of the direst necessity, an impossibility ; and that was one form in which his success had to be paid for by his partisans and successors.

The debate on this Bill showed, that the *couleur de rose* picture of the state of the country, presented in the Message, was not a perfectly accurate representation of affairs. The finances did undoubtedly prosper greatly, and the public funds were at a premium ; but commerce had not recovered from the embargoes, and other asphyxying Acts preceding and accompanying the war, which without them would have been sufficiently injurious. Excessive importations had raised the public revenue, but ruined the private trader, it was said ; and the most profitable of all departments of mercantile enterprise—the carrying trade—was, by treaty, as good as closed against American ships. Neither were the banks without their share of condemnation ; they, it seems, were contracting their credits, and endeavouring to close bad accounts, and to recover their debts,—proceedings never popular amongst those affected by them, and yet indispensable both for the banks and the public in general.

With the Bank of the United States, and its numerous kindred institutions,



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nothing was attempted in the Legislature now. But against the other commercial "lion in the way" of the Democrats,—Great Britain, the old machinery of Acts, called "retaliatory," was set in motion; without the least beneficial effect, as might have been predicted, simply from the experience of former years, even without any such foresight as real statesmen have. But of this we speak elsewhere.

For the twofold purpose of compensating for the loss of the internal duties, the abolition of which made it "necessary," says a writer friendly to the Administration, "to provide some means for raising the revenue required for the support of government;"—and of "affording protection to the infant manufactures of the country;" another change was made in the tariff. Of which, also, fuller mention will be made in the chapter on the foreign relations of the Union, under Monroe's Presidency. Yet we may remark in this place, upon the singular choice made by both the people and their leaders, in the United States, to be, not a *pattern* which other nations should follow, but a warning, just as Great Britain was; but more emphatic, because it was not by monarchy, or aristocracy, but by the Democracy of America, that the policy of taking out of one pocket, throwing part away, and putting the remainder into the other pocket, was strenuously pursued and advocated, as the only way to national wealth!

Laws were enacted now, likewise, fixing the pay (or "compensation," as it is called, though for what *good* reason we know not) of Members of Congress at eight dollars a day, and as many for every twenty miles they had to travel to the seat of government, instead of fifteen hundred dollars a year, as the last Act had determined; and for pensioning the survivors of the Army of the Revolution, as Monroe had suggested. This paying by the day the labours of the legislators of the nation at large, and conversion of the becoming *honorarium* into a salary to be fixed by the work done, or the time spent in doing it, does not seem to us fitted to increase either the efficiency or the dignity of the legislators.

In respect to the last Act, it must be noted, that, essentially just as the claim of the old soldiers of the Revolution was, the way in which its allowance was secured partook far too much of vulgar trickery. It ought to have been sufficient for Congress to have been reminded, that when payment was made at the end of the war to those who had fought the battle of independence, the currency in which it was made had been most frightfully depreciated; so that the sums actually realized did not amount to a fourth of what had been nominally received; with which fact Congress, in former years, had cause to be tolerably familiar. It surely could not be requisite, in order to the satisfaction of a demand, rather of justice than of favour, to misrepresent the grounds of the case, and to pretend that the money required was less than it was known to be. Yet this was done; and not only so, but other claims, equally just, which had long been most scandalously neglected, received but stinted attention from the Legislature now. Of these, however, we do not need to speak particularly.

One matter of public moment which, for a time, engrossed the attention of Congress during this session, was the *insignia* of the national flag. The result of the deliberations was, that the vertical stripes of white and red alternately covering the field, were ordered to be thirteen in number, in commemoration of the original number of the confederating States; whilst a chief, or canton, of blue was to be charged with as many stars in silver as there were States actually confederated in the Union.

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Notwithstanding the emphatically delivered opinion of the President respecting "internal improvements," the subject was warmly discussed by Congress now: a series of resolutions, declaring "the power of Congress to appropriate money for the construction of military roads, post roads, and canals," having been proposed early in the session.

This question, as we shall discover, is one of the "points" distinguishing the last school of Democrats in the United States from its immediate predecessor, and connecting it with the original school founded by Jefferson. Henry Clay—who found himself still in the Speaker's chair of the House, when others of the party, less able, less daring, less useful in former years, had been promoted to offices of state—availed himself of the oversight to play the part of independent member. "His examination of President Monroe's Message," says one admiring biographer, "though perfectly courteous and dignified, was close and severe; and his demonstration of the Constitutionality [the invaluable word! Happy the debater who first in a Congressional digladiation made it his own, and fixed it to the policy he advocated; or who nailed its opprobrious opposite upon the measures of his antagonists!—the *Constitutionality*] of the proposed system was complete and conclusive."

A committee, to whose consideration the matter was referred, counselled the appropriation of the dividends received by the United States from the shares held in the National Bank, to the objects named; and the votes taken, upon the whole, showed that there was a majority of the Representatives who were in favour of such an employment of them. "But those Members of Congress, [who were] understood to be more in the confidence of the President, combated the views" both of Clay and of the Committee, "and opposed the adoption of any system or measure relating to the subject, at least until the Constitution had been properly amended, so as to confer the power." When the current in the Legislature, for the Senate debated the matter at the same time, and with a result, on the whole, favourable to the adoption of the resolutions, was seen to be setting strongly in the direction pointed out by Clay,—“it was whispered about in the political circles of the capital, that the President would feel constrained, in conformity with the views and principles he had avowed in his Message, to *reto* any Bill of that character [that is to say, framed upon "the views and principles he had avowed in his" Inaugural Address,] presented to him for his signature, prior to the Amendment of the Constitution, which he had suggested." So the subject was postponed for the present; but we shall see that it has proved one of those thorns in the side of the government, which could not be removed, nor the smart of it

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Slavery, as a matter of course, was brought before both Houses of Congress. A new law on the subject of fugitive slaves was introduced, and debated with much greater warmth than could have been excited upon any other theme; but, in spite of all the efforts made to secure its passage, its supporters suffered it to drop. And this happened, although there was scarcely a spark of public feeling aroused against the Bill in the Free States; so that we can only suppose that Democracy was making rapid way amongst the opponents of Slavery, and that it was thought desirable to attach these converts to the party securely, before contesting any of their special opinions. An Act confirming the former Acts against the foreign Slave Trade, was likewise passed; and the new department of this hideous branch of commerce,—that, namely, which was carried on between the Slave-breeding States and the most southerly portions of the Union,—was discussed in consequence of a petition against the practice of kidnapping free persons of colour, and even citizens of the United States, and selling them as slaves in the South; which nothing but the entire removal of the inducement to such nefarious conduct can remedy.

Out of one of the claims for compensation for losses sustained during the Revolutionary struggle, arose a question regarding the privileges of the House. The details are of no importance to us, but the decision of the Supreme Court of the United States on Colonel Anderson's case, determined that both Houses of Congress were competent to punish contempt, by whomsoever committed, with imprisonment. Which decision, it appears, was grounded as much upon the precedents furnished by the British Parliament, as upon the right reason of the case.

Congress rose on the 20th of April, 1818; and during the recess, the President visited the towns and coasts of Chesapeake Bay, for the purpose of examining the forts and defences in that quarter, and of selecting a site for a naval dépôt. He returned by the interior of Virginia to Washington, about the middle of June; and the Legislature re-assembled on the 16th of November.

The President's Message contained nothing of special note in relation to home affairs. The revenue, he said, exceeded the estimates,—there was, in fact, a surplus of two millions,—and was adequate to all the exigencies of the government. And with a well-filled treasury, the results of a fruitful and healthy season, with peace at home, and favourable prospects abroad, and with a population rapidly increasing, and spreading ever farther over the wide Western Territories, the United States appeared to Monroe to be “in the full tide of successful experiment.” To the Message of the President we, of course, should not look for those darker features in the case of the nation, a knowledge of which is essential to a correct estimate of its actual condition,—these we shall discover as we proceed; the prospects of the year will also seem, when scanned more closely, scarcely so bright as the Message represented them.



Foremost amongst the subjects which demanded and received the attention of Congress, was the United States Bank. At this time it appears to have merited the outcry which was generally raised against it; although we cannot affirm that those who were the loudest in condemning it, did so honestly and really for the reasons they assigned. We have shown, on the occasions on which this matter has come under notice before, that political motives of the very lowest order have always been in the United States operating to the hinderance and injury of a national Bank. And now, in addition to all the perplexities arising from the universal habit of regarding every thing in its bearing upon the acquisition of political office and patronage; and of appealing to mere numerical majorities, for the final decision of whatever question which could by any means be made to wear a political aspect;—in addition to the difficulties occasioned by the general ignorance of the meaning and intent of a Bank, and by the complete and disastrous disarrangement of all the monetary affairs of the country, first by the anticommercial policy of Madison's Administration, and afterwards by the war;—that morbid and unappeasable appetite for speculation, to attacks of which all nations are subject at times, and which has since become almost chronic in America, was most energetically active;—so that the institution, to which so many of the most prudent and experienced minds in the whole Union looked, as the only means of saving the country, became a very "cesspool of agio."

At the time when Congress assembled, and Monroe presented his flattering picture of the state of things in the United States generally, the Bank was evidently getting into an exceedingly unsatisfactory condition; and the greatest fears were every where entertained in consequence. A committee of inquiry ascertained some of the immediate causes of this; and they require the best attention we can give them, because of the great prominence taken by this matter before many years had passed.

Two millions of specie being all the real capital which the Bank possessed, when first set in action for the transaction of business,—a sum insufficient for the purpose to an absurd degree,—a special agent was sent to Europe, that is to say, to England, at a salary of twenty thousand dollars, to contract for specie; and between July, 1817, and December, 1818, upwards of seven millions and a quarter of dollars were obtained, and imported into the United States. But the cost of this sum was more than half a million!

Numerically, as it might have been expected under the then existing circumstances, the *speculators* who held shares in the Bank far exceeded the *capitalists*; and the former class having thus gained the direction of its operations, they took care to guide them so as to secure advantages and profit for themselves, without regard either to the legitimate object of the establishment of the Bank, or the claims of those whose capital, put into the concern, was its only available means of working, or subsisting. The particular way in which they employed their power, was the device and perfection of a scheme of stockjobbing in Bank shares, the like to which has not often been attempted in agiotage.

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"It was agreed to discount the notes of stockholders for the payment of their instalments, upon the pledge of their stock, *without any other security*; first, at *par*, and afterwards for twenty-five *per cent.* more than the nominal amount; requiring, however, an endorser for the excess. These 'stock-notes,' as they were termed, were received indefinitely, at the pleasure of the stockholders." And as a necessary and foreseen consequence, "shares were bought without the advance of a cent. An adventurer would engage a certain number of shares, apply to the directors for a loan on the pledge of the stock engaged, and by what was called a '*simultaneous operation*,' the stock was transferred to him, pledged to the Bank, and the discount made, with the avails of which he paid for his stock: a rise in the market would enable him to sell his stock at an advance, pocket the difference, and commence new operations." As a further consequence, the price of shares rose, till, about the beginning of September, 1817, they reached a hundred and fifty-six dollars and a half a share; and at last, all suddenly, soon after Congress had begun to inquire respecting the business, and no doubt because of the inquiry, the bubble burst, and they fell from a hundred and fifty-six to a hundred and ten, and thence to ninety dollars a share; dissipating hundreds of imaginary fortunes, and changing many shareholders in the Bank into bankrupts.

"Baltimore was the principal scene of these operations; the management of that branch had fallen almost exclusively into the hands of persons without capital, and without principle. Two or three houses in which some of the directors had an interest drew from the Bank a million and a half; and the defalcations in the Baltimore branch alone amounted to seventeen hundred thousand dollars; a sum about equal to the aggregate amount of losses at the parent Bank, and all the other branches."

Nor was this the only way in which this useful institution was injured by these speculations. One of the chief benefits expected from it, for the Union at large, was the creation of a general currency of uniform value; by which the greater part of the evils affecting the business transactions of the country would have been remedied, or prevented. And for this purpose it was requisite that bills issued by any particular branch, and, according to their tenour, payable at that branch only, should be received and paid, both at the parent Bank and all its branches. Until July, 1818, this plan was followed; but most of the enormous quantity of paper emitted in the Southern and Western States, by the regular course of trade found its way to the North, and in self-defence the branches there were at last compelled to refuse payment, and then the Bank ordered the payment of bills at the branches issuing them alone, so that this first attempt to get a uniform currency proved fruitless.

One of the worst features in the whole case was this; some of the most prominent of the directors, both those elected by the shareholders and those nominated by the government, were implicated in these schemes and speculations; and thus the parent Bank at Philadelphia itself was induced to imitate the

dishonest proceedings at Baltimore, to the injury of Boston and New York ; and even the Treasury of the United States conspired against the stability of the branches in the Middle and Eastern States, by furnishing Baltimore and Philadelphia with large drafts on the public funds at New York and Boston, as a means of reversing the balance in favour of the branches at these last-named places.

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After a close investigation of the whole affair, and a report which exposed the real causes of the embarrassments of the Bank, the speculating managers resigned, and in January, 1819, a new direction was chosen. Langdon Cheves, whose name as a financier has come before us in an earlier chapter, was placed first on the government list, and appointed president ; and under his able and vigilant control matters speedily assumed a brighter aspect. The stock found its way into the hands of real capitalists, and rose again in value to a hundred and twenty. The affairs of the institution were minutely examined, and a careful and trustworthy statement was published, which completely reassured the minds of the shareholders. The most prudent measures, in borrowing specie, curtailing discounts, arranging the relations of the branches, and prosecuting defaulters, were adopted ; and not only was bankruptcy averted, but the establishment, after a short season of uncertainty and unpopularity, began to recover from its losses, and to regain and to deserve the confidence of the mercantile world.

Congress contributed, as its share in the rehabilitation of the national Bank, an Act restricting the votes of any shareholder, whatever the number of his shares might be, and in how many names soever he might hold them, to the chartered limit of thirty. For, in the first instance, the Northerners alone being considered able to take many shares, and the old suspicion of the monarchizing designs of the Federalists being far more active in the Legislature than any desire effectually to serve or to protect the real interests of trade, it was settled by the charter, that though a single share should confer a single vote, no individual should possess more than thirty votes, whatever the number of his shares might be. The Democratic speculators of Baltimore ingeniously evaded the force of this provision, and enhanced their power in the Bank, by subscribing (on the " simultaneous operation " plan) for single shares in the names of other people, who gave them powers of attorney to vote for them at the meetings, and charged "*twelve and a half cents*" for the risk entailed by their participation in the fraud !

Some signs of the imminence of the danger to which these knaveries had exposed the country, will appear in our notice of local affairs ; and there, too, will be best related whatever it may be needful to say of the " crisis " in the financial condition of the Union, which the removal of the speculators could not avert, and did not mitigate for those who had traded on the imposture. We shall then catch another glimpse of the way in which the train was laid for that explosion of Democratic wrath against the Bank, which signaled the Administration of General Jackson, who fired it.

Internal improvements, in the form of road-making, were brought before



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Congress in this session, by the report of Calhoun, as Secretary of War, on the facilities required for such military operations as the rapid transit and assembling of troops, and the transportation of the *matériel* of war. For, as we might have noticed in respect of several other incidents recorded in this chapter, the possibility of another war with Great Britain does not seem to have been at any time far removed from the speculations of the leaders of the party in power. In this report he said, that he regarded a judicious system of roads and canals, constructed for the convenience of commerce, and the transmission of the mail, alone, without reference to military operations, as amongst the most efficient means of defence ;—since the same roads and canals would, with few exceptions, be required for these operations ; and such a system, by consolidating the Union, and increasing its wealth and fiscal capacity, would greatly add to the resources of war. He also suggested the employment of the regular troops in the construction of some of the lines of communication which he indicated ; and Congress so far adopted the suggestion as to appropriate ten thousand dollars for the increase of the pay of the soldiers who should be so employed. Half a million was appropriated also towards the construction of the Cumberland Road, a project with which Clay soon became personally identified.

This session also saw the commencement of a new struggle respecting the interminable Slavery contest. It must be kept in mind, that when Jefferson first struck out his scheme for the erection of new States in the ultramontane region, the prohibition of slave-holding in them formed a prominent and characteristic feature in it. Subsequently, as we must remember too, it was agreed that the Ohio should be the northern limit of the Slave region. Moreover, in the same spirit which had in so many other remarkable ways shown the distinct understanding of the original want of *unity* in the United States, the admissions of new States into the Confederation had been of Free States and Slave-holding States alternately. Our readers may also be reminded, on the other hand, that one of the stipulations respecting the purchase of Louisiana from France, was that the existing *status*, and privileges of its inhabitants, under the dominion of France or Spain, should not be interfered with. A condition which could refer to Slavery alone, because the change of the country from a colony dependent on a European monarchy into an independent and sovereign state, did very considerably alter the *status* of all but the enslaved population ; and their condition, too, after a time it changed,—but much for the worse. With these preliminaries we can now turn to the Missouri Question.

It was in the month of February, 1819, that when the permission for that part of Louisiana, which has since been known as the State of Missouri, to form a constitution, and to ask recognition as an independent sovereignty, was sought of Congress, the question arose, whether a clause prohibiting the future introduction of slaves, and providing for the attainment of freedom by the children of those already there, should not be introduced. The considerations we have stated in the preceding paragraph were vehemently

urged on both sides; together with all others, customarily resorted to as argumentative weapons, by North and South, in the battle over this peculiar "institution." The members from the Slave States surpassed themselves in that species of oratory which they had made their own. Speeches, almost wholly composed of the most atrocious threats and the vilest accusations, were suffered by Clay to be delivered in resistance of a proposition, which ought to have enlisted the hearty approbation and support of every Member of the House. A few endeavoured to compromise the difficulty, and several suggestions were offered for dividing the whole vast region west of the Mississippi in such a manner between the partisans of African thralldom and African liberty, as that the pro-slavery men should have their way, (as they always had,) on the subject mooted, but that no further question of the same kind should arise,—if such men could be brought to hold any obligation, which narrowed the fullest exercise of all they claimed as their personal rights, to be binding on them; and it was one of these, which at a later stage of the business the Speaker of the Representatives, faithful to his instincts, chose to advocate, and carried too,—as "the Missouri Compromise."

In the House these enlightened and philanthropic proposals were carried, in spite of all the menaces of the Southerners, by majorities of about ten, in houses of a hundred and sixty or seventy: but the Senate rejected the anti-slavery clauses, twenty-two voting against sixteen, in favour of the perpetuation of African bondage in Missouri; and as in the House the friends of freedom secured the maintenance of them, though by the pitiful majority of two only, the bill was lost, and the period of tutelage in that district of the Union extended to another session. Contemporaneously with these votes, the question of the restricting the duration of Slavery in Arkansas Territory was also discussed and voted down in both Houses of Congress. The Slavery party on this, having the admissions of their opponents, as well as their own arguments, to employ, in vindication of their view. Little objection, on the ground of State rights, appears to have been advanced by the Democratic Members, in these debates; although, if consistent, they ought to have insisted upon the essential incompetence of Congress to legislate upon the domestic affairs of any State.

Matthew Lyon, as our readers all will remember, was that redoubted Vermonter, who ruined an admirably deserved reputation, by his ultra-Democratic violence in the House; and who was one of the most illustrious victims of John Adams' "reign of terror," as it was called. He now presented to Congress his claim for the reimbursement of the fine of a thousand dollars, which had been imposed upon him, with several hundred dollars costs, and the interest to the time of his petition, with a compensation for the losses and injuries sustained by his imprisonment, which lasted for some months. "From the peculiar character of this application, it was referred in the Senate to the committee on the Judiciary, who reported unfavourably, and the petition was negatived." We do not derive a more exalted opinion of the sagacity of this remarkable Democrat, from his venturing to make such

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an application to the Legislature as this. Whatever his services to his party had been, the country assuredly was but little indebted to him.

A few other Acts, passed in this session, will come beneath our notice when we speak of foreign affairs; of mere routine legislation we do not need to make any mention. Some account of the various forms of mercantile embarrassment, which prevailed in different parts of the Union, will be found in the subsequent chapters of this Book; and there we shall relate the varied reception which the enactments of the session met with. It was, for a concluding session, singularly fruitful. And it was dissolved on the 3rd of March, 1819.

During the following summer, the President visited the Southern States; ostensibly with the same objects as those which induced him to make his Northern tour. But he did not need to ingratiate himself with his own party, and therefore this journey was, in many respects, essentially different from that. He returned to Washington early in the month of August.

The sixteenth Congress met for its first session on the 6th of December, 1819. The chambers for the two Houses, in the new Capitol, being now nearly completed, their meetings were held in them; and many were the complaints uttered by the Representatives, respecting the difficulty they experienced in making their eloquence intelligent to the reporters,—to the great detriment of the commonwealth.

Democracy appeared now in stronger force than ever; and the number of new members was unusually great. Otis and Dana, Federalists, were still found in the Senate; with the Republicans, Dickerson, Barbour, Macon, and Gaillard. Rufus King, whose seat was temporarily vacated, was re-elected in January, 1820; it being now understood that he had definitively forsaken his former principles. The new Senators of any note were, William Pinkney, of Maryland, lately ambassador to Russia; Richard M. Johnson, of Kentucky; Walter Lowrie, of Pennsylvania; William R. King, of Alabama; and James Brown, of Louisiana. Sergeant, of Pennsylvania; Shaw, of Massachusetts, and Samuel A. Foot, again appeared in the House; with Morton, Holmes, Taylor, M'Lean, Smith of Maryland, Philip P. Barbour, Burwell, Floyd, Mercer, John Randolph, Lowndes, Cobb, and Clay. Henry Clay was once more appointed Speaker by an almost unanimous vote.

The chief burden of the Message, which was received on the 7th, was the position of affairs with respect to Spain, of which we do not speak here. The pecuniary embarrassments, which arose from the causes we have spoken of with sufficient fulness already, and which, in spite of the real prosperity of the country, threatened so many classes with ruin, were also dealt with; and Monroe intimated his willingness to go as far as was possible, in consistency with the Constitution, (and the very form of the expressions employed, implied a disposition to be content with the *semblance* of consistency in the present instance,) for the purpose of affording them relief. He was also quite in favour of giving further encouragement to domestic manufactures, due regard being paid to the other great interests of the nation. One very influential reason for these suggestions was the diminution of the receipts at the



Treasury, which had followed from the disastrous condition of trade and the currency. They would be no more than twenty-three millions for the year ; and the pensions granted to the soldiers of the Revolution had made a larger income than ordinary needful ; but a considerable surplus was, nevertheless, expected. Of the foreign affairs referred to we shall treat in another part of this Book.

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Missouri supplied, as might be expected, the great theme of the session. In our notices of the affairs of the States severally, we shall speak of the intense excitement which prevailed in every part of the Union, and gave to the discussion of this question all the painful interest which could attach to the possibility of an immediate and embittered dissolution of the Confederacy. Not by Hartford Conventions, nor by such mild intriguers from Britain as John Henry, nor yet by monarchical plots of Federalists, was the stability of the nation ever really threatened : but it was endangered by the determination of the Slave-holding States, who felt their cause to be for ever a losing one, at any price to force their political rivals back one step (it could be no more) in their slow and certainly triumphant progress. More deplorable, more detestable, could no display of popular frenzy be ; and in this youngest-born of the great family of Saxon nations, which boasted itself the leader and advanced-guard of civilized mankind, it shows as a clear disproof of such pretences ; and a mournful destruction of all the hopes, which in other lands might, from it, have caught life and inspiration.

Amongst the special reasons for this furious excitation, we can discern these. There were now only ten Slave States, whilst the Free States were twelve in number ; another Free State was soliciting admission to the Union ; unless, therefore, this State of Missouri could be secured for the cause of slavery, the "institution" was threatened with extinction by Federal action, in opposition to the original compromise of the Constitution. And besides, the following year was the census year, and a new distribution of the Representatives would be made : already there were a hundred and five members from Free States, opposed to only eighty from Slave States ; so that if Missouri were not secured amongst the latter, the partisans of freedom would have so undoubted a majority in both Houses of Congress as to enable them to do what they would ; or to force the Slave States to do battle upon a ground where they would manifestly have the wrong on their side, and being the weakest in numbers and wealth, and having in their thralls a deadly enemy at home, they could not expect, even by foreign alliances, to overcome the Northern States, if matters should proceed to extremities. Whilst, to add to this embroilment, the Presidential election was approaching, and if Missouri were not admitted, there would be votes lost or gained for some candidates.

The interest and the instruction of this famous debate do not lie in the detail of the formalities observed, but in the principles, arguments, expedients, temper, and tactics, of the two parties. How the war was waged simultaneously in both Houses, by very inartificial contrivances, (for the

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theoretical advantages of a twofold Legislature are very imperfectly realized in the Senate and House of Representatives of the United States;)—how Committees in both Houses reported, and had their reports referred back to them;—how amendments were voted one day, and un-voted the next;—and in some general way the “rules” were observed,—all can picture, and they do not constitute the peculiarity of the case. This lies in such points as we have noted when we spoke of “the first Act” of this tragedy, and such as we may now point out.

Besides the condition annexed to the cession of Louisiana to the United States, from which (we before showed) something very closely resembling a fraudulent advantage was attempted to be gained, by pushing a slave population into districts, not tainted by the introduction of slavery under the despotism of European monarchs; and which, we may expect, was the one strong argument of the slavery advocates; some use was made of the Democratic State rights view. Yet, it was not as a principle, but as an expedient, resorted to solely for the sake of defending the “institution.” With the interference of Congress in the sovereign rights of the States, when it seemed to make for, or did not seem to affect, Democratic measures and interests, and when it was clearly a plague to the Federalists, no Democratic Southerner ever found fault; but he invoked the theory of the Constitution now, as one topic more to insist upon, in the wrathful war of words he was waging. Virginia alone, consistently on this point, contended, that no conditions could be made concerning the admission of States.

General and most unspecious defences of slavery would, of course, be delivered by injudicious speakers; and sophistical comparisons of the happiness of the lot of the thralls, with the misery of the Irish, with the misery endured by fugitive slaves; and deliberately false statements of the condition of the slaves, and of the slave-laws of the South. It was assumed by others tacitly, that slavery must be, and slave-breeding, and slave-codes, and all that followed from them; and then philanthropy was invoked to say if it would not be more humane to extend the area in which these things were allowed, so as to diminish the general sum of inevitable slave-misery. The impossibility of abolishing it in the South was also much insisted on, as if that were the point at issue, instead of whether it should be pushed across the boundary which distinguished the North from the South. And the injustice which the holders of slaves then in Missouri would be subjected to, if their capability of continuing to hold them were interfered with. Personal accusations, and threats which not even the licence of camps would tolerate, and both prophecies and menaces of the dissolution of the Union, were likewise largely resorted to.

Of the arguments on the other side we do not need to give any account. But it is to be marked, that more than one speaker from the North, in reply to the threat of breaking up the Union, boldly declared that, rather than see the whole West converted into a land of slaves, they would see the confederacy of the United States utterly dissolved. A declaration which, had

it but been adopted by more, and turned into action, would have (as we remarked on the occasion of some earlier passages of this nature) given to America, at once, the highest position amongst the nations of the world, and preserved its annals from the most odious and intolerable stigma with which a people's history can be branded.

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Some new features were introduced into the debate of this session, by the mingling of this question, regarding the admission of Missouri, with another similar one, of the admission of Maine. This manœuvre was effected in the Senate, and it fully answered the end of the party which desired to see Missouri a Slave State. Another proposition made in the Senate was, that though allowed in Missouri, slavery should not be tolerated in the Western territory any where to the north of the Arkansas line. And this suggestion finally allayed the universal excitement, and preserved to the Union its present heterogeneous composition.

After continuing from the opening of Congress till the beginning of March, great fears began to be entertained respecting the possibility of giving independent existence to either Maine or Missouri, in time for them to join in the next election. Maine loudly and justly complained that a matter affecting it so intimately, was made contingent upon another, with which it had not naturally any connexion. There was great anxiety, too, expressed respecting the opinion of the President and Cabinet, especially with a view to the coming election; which was as well known to Monroe as the demand for war with Great Britain was to Madison, when he approached the conclusion of his first term of office.

Henry Clay's name has been so completely identified with the result of this great struggle, that even at the risk of violating good taste and the propriety of history, we must borrow from one of his panegyrists (rather than biographers,) the following sentences. "The debates on this subject," writes Calvin Colton, "were protracted, animated, and often in a high degree acrimonious. \* \* \* The speeches were for the most part characterized with strong ingredients of sectional prejudice. [Will our readers endeavour to ascertain the *real* meaning of "a sectional prejudice" in favour of *doing unto others as we would they should do to us*? For that was what the Northern men maintained.] There was, however, in the midst of this arena of violent strife ONE MAN of truly national feeling; calm, but not indifferent; [he was a slave-holder;] with lofty, but dignified and not less anxious port, looking down upon the scene, as one of deep and unutterable concern. Often did he rise to hush the tempest, and call back reason to its useful offices. He stood up, a mediator between the conflicting parties, imploring, entreating, beseeching. On one occasion, during these debates, Mr. Clay spoke four hours and a half; pouring forth an uninterrupted and glowing torrent of his thoughts and feelings, with captivating and convincing power."

"With all his power," says another biographer, he "urged the admission, on the ground that to Missouri alone belonged the subject of her domestic slavery; declaring at the same time, that so great was his detestation of the



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system, were he a citizen of that State, he would never consent to a State constitution which should not provide for its extinction. [Had he but *done* for Kentucky, what he *said* he would have done if he were a citizen of Missouri, his name and fame would be widely different from what they are!] Above all things he urged conciliation and *compromise*; for the safety of the Union [not of the *universe*; such "compromise" is rebellion against *its* laws:] was threatened, and the stability of this [the Union!] he deemed of paramount importance. A *compromise*, through his exertions, was finally effected: committees of conference were appointed, and an Act was passed," assenting to the petition of Missouri; but embodying the suggestion of Senator Thomas.

And so, finally, by thirty votes against fifteen in the Senate; and by a hundred and thirty-four in the Representatives against forty-two;—*thirty-five* of these being *Southern* men;—so heartily did the North enter into the spirit of the compromise! John Randolph, with his natural hatred of whatever was not thoroughgoing, well characterized this "healing measure," as a "dirty bargain;" and in his wrath against the Northerners who had voted for the allowance of slavery in Missouri, he enriched the American vocabulary of political abuse with a new epithet of opprobrium,—*dough-faces*; a term for which the ambidextrous policy of the Northern party has given too much just employment.

The Cabinet held grave consultation on the "Compromise Measure" before it was approved by the President. But Democratic as the whole Administration was, no objection was made to the interference of Congress in State affairs, nor to the assumption of powers neither expressly nor implicitly conferred by the Constitution. And the proviso respecting slavery inserted in the bill, was declared to be perfectly *Constitutional*. And the private diary of the Secretary of State shows us, that, in the same spirit as the Legislature, the Executive, on this occasion, paltered with the meaning of the words of the compromise clause, and signed it with the distinct consciousness that he did not intend, any more than his party did, what the Federalists who had carried the measure understood by them.

It was the 6th of March, 1820, when this bill became law; the bill for admitting Maine was signed three days earlier. Senator Benton, of Missouri, looking back to this point over the interval of "thirty years," avers,— "This was all clear gain to the anti-slavery side of the question, and was done under the lead of the united slave vote in the Senate, the majority of that vote in the House of Representatives, and the undivided sanction of a Southern Administration. It was a Southern measure, and divided free and slave soil far more favourably to the North than the ordinance of 1787. That divided about equally; this of 1820 gave about all to the North. It abolished slavery over an immense extent of territory where it might then legally exist, [Benton forgets that this was the very point in question;] over nearly the whole of Louisiana, left it only in Florida and Arkansas Territory, and opened no new territory to its existence, [the plain fact being that all the territory

south of the parallel of 36° 30' N. Lat., except the State of Missouri, was given up "for ever" to slavery.] It was an immense concession to the non-slave-holding States; but the genius of slavery agitation was not laid," as we shall in time discover; for, in truth, it never can be laid, until the thing itself, one of those wrongs with which no truce may be formed, be "laid," as all foul and hideous spectres, which haunt and vex man here, must and *shall* one day be; and all "agitation" about and against them happily cease.

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From this period the relations of the Union, and of the States severally, to this question of Slavery were changed. It had been one of subordinate interest to such as those of State-sovereignty *versus* National-sovereignty; now it constituted a broad and impassable line of distinction between the North and South;—a fact which we have endeavoured to mark by the arrangement of the chapters on local subjects in the present Book.

Of the other business transacted during this session, the most important related to trade and manufactures. The tariff of 1816 had not, by any means, produced such results as its sanguine promoters anticipated. To us, this is not surprising; for larger experience both of the injurious effects of protection, and of the benefits of the opposite policy, as well as our knowledge of the reckless and fraudulent speculation at this time and earlier, carried on in the United States, enable us to explain this fact. To the statesmen of the day, it appeared the most natural thing in the world that they should gather "grapes of thorns, and figs of thistles;" and if, having planted useless and troublesome weeds, they did not realize the expected fruitage, they concluded that the remedy would be found in planting more and yet more of the unprofitable crop. As for the speculations, they did not so much blame them, as deplore, and even feel indignant at their failure. Thus, we are told by a eulogist of Monroe's, as one reason for the lively interest he expressed in his Message to Congress, at the beginning of this very session, that,—“Many, constituting, perhaps, a large proportion, had embarked in [the manufacturing interest] without capital, and upon credit alone, and they were, of course, prostrated at the first crash.” But the writer does not see in this, cause for a word even of expostulation.

Much though these matters were now discussed, however, little was actually done. Separate committees were, indeed, appointed for trade and manufactures, heretofore intrusted to the watchfulness of one and the same; and the Speaker of the Representatives, in his zeal for his “American system,” discharged, as Baldwin of Pittsburgh said, “the triple duties of rank-and-file man, captain, and general-in-chief.” Baldwin himself, the chairman of the committee on manufactures, reported three bills, for the purpose of giving further encouragement to American manufactures: one, revising the tariff, and making it still more decidedly protective; another, abolishing credit for duties on imported manufactures; and a third, imposing a heavy duty on auction sales of foreign manufactured goods. Under the influence of Clay, the first and the last passed the House by respectable majorities; the second was negatived; but as the Senate rejected the tariff bill, the auction duty

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Unsuccessful attempts were made to procure the enactment of a uniform bankruptcy law; a purely sectional vote defeated a useful and highly necessary measure which was proposed. "The Members of the Northern and Eastern States, generally, favoured the passage of the Bankrupt law, as their constituents had been the principal sufferers during the late derangement of the monetary affairs of the country; but the Southern and Western Members resisted its adoption." This fact will assist us in measuring the value of the zeal for the trading interests of the United States, which Clay's followers and co-operators now displayed.

The promising picture of the financial state of the country, which the President offered for the contemplation of Congress, in his Message, proved sadly fallacious. Five millions was the estimated deficiency; to meet which a loan of three millions was authorized; and the list of Revolutionary pensioners, by careful examination and sifting, reduced about one half, saving (perhaps) another million to the country; and as the old soldiers were for the most part Northern men, the majority of the Legislature regarded this as a most unexceptionable method of lessening the yearly expenditure.

Besides, there was a new appropriation for the Cumberland Road; defaulters in public offices were honoured by an Act; the plan of credit sales of public lands, which had led to speculations, injurious alike to the pretended purchasers and to the revenue, was abolished, half quarter sections were offered for sale, and the price was reduced to a dollar and a quarter per acre;—and by a special law, piracy was not only more strenuously denounced, but the foreign slave-trade was declared to be piracy, and a capital offence; although, like so many other fair-sounding laws, no new authority was conferred upon the Supreme Court, which might enable it to enforce so laudable and needful a statute. Provisions were also made for the taking of the census, which were far more complete in their arrangements than any that had been acted upon before; and promised a much more useful contribution to the statistics of the Union. And after a really laborious session, Congress adjourned on the 12th of May, 1820.

Previously to the adjournment, Smith, of Maryland, summoned a Congressional caucus, for the nomination of candidates for the offices of President and Vice-president at the next election. But so entirely were the angry passions of parties stilled, or so well had the Federalists been routed, that no meeting could be got together; and the re-election of Monroe and Tompkins was treated by all classes as already settled. Than which no more convincing proof could have been afforded of the completeness of the dissolution of the Federalist party. In fact, there was not now any *party* opposing the Administration upon Federalist principles; Boston itself joined the President's side, by "pronouncing" in favour of what it designated, with the most remarkable synthesis of symbolical names,—“the Washington-Monroe policy.” But at the same time, the most rancorous Anti-Federalists found that their



occupation too was gone ; and in vain did they complain, that the spirit of the early days of Democratic triumphs was dead. In the consolidation of the victory of American Democracy, the most vehement of the successful combatants found themselves as completely *passés*, as were those of the vanquished ; and nothing remained for the *ultras* of both sides, but to mourn over the decadence of the United States, and wait until some shift in the posture of affairs should give them an opportunity of returning to the fight with happier omens.

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There is an extensive class of events, or rather of public incidents, which, although they find fitting place in the annals of nations, cannot in general, with any propriety, be introduced into history. Nevertheless, it will happen at times, that a wide view of the spirit of an age, or the manners of the people, is afforded by some one of these non-historical facts. From the archives of anecdote and biography we therefore borrow the following lamentable story.

When Commodore Barron, of the Chesapeake, suffered his vessel to be attacked by the *Leopard*, without making so much as the semblance of a defence, he was first of all censured by a court of inquiry. A court martial was afterwards held, and Commodore Decatur sat as one of the members, although he had begged to be excused, on the ground that he had both formed and expressed an opinion unfavourable to the prisoner. Barron was sentenced to suspension for five years, for neglect of duty and unofficer-like conduct. He imputed the severity of this sentence, in good part, to the influence of Decatur ; and retired to France, where he remained till the close of the war. The government granted half pay to his family, but did not encourage him in his desire to be employed again. Yet, after his return, he claimed his former position, and solicited the command of the *Columbus*, which was refused him ; Decatur expressing an unfavourable opinion, to which Barron ascribed his failure.

His mortification at being thus, as he imagined, a second time injured by the same man, was greatly increased by hearing that Decatur had somewhere said, that he could insult him with impunity. But he was assured by Decatur, whom he addressed very fiercely on the subject, that he was mistaken ; and after a while, he seemed to be satisfied. This was in June, 1819 ; in October a second and more angry correspondence commenced. Misled by baseless rumours, Barron endeavoured to force upon Decatur the responsibility of having challenged him to a duel ; and at last himself sent a challenge to Decatur. On the 22nd of March, 1820, they met at Bladensburg ; where Barron was severely wounded, and Decatur was killed. Congress honoured his funeral by an adjournment, and the President, with the Heads of Departments, the Foreign ministers, the Members of the Legislature, and a great concourse of citizens, attended his body to the grave, by this means expressing their sense of the loss, which in him their country had sustained. And this was the only notice that was publicly taken of this atrocious murder. Not a single member of all the branches of either Federal or State governments took official cognizance of it ; and the rules of the service, and the decencies of

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society, were suffered to be outraged with impunity. We have had occasion to speak of the prevalence of this infamous custom in private life; we are reminded by the assassination of this distinguished commander, of the melancholy frequency with which the words, "killed in a duel," occur in the scanty list of the naval officers of the United States; and on a future occasion, we shall endeavour to trace this barbarous and demoralizing practice to its source.

In the month of August, 1820, the fourth census of the United States was taken; by which it appeared, that there were, of free white males, under sixteen years of age, 1,957,755; between sixteen and forty-five, 1,542,233; over forty-five, 495,065;—of free white females, under sixteen, 1,885,898; between sixteen and forty-five, 1,517,971; above forty-five, 462,788;—of free coloured persons, 233,530;—and of slaves, 1,538,128 (but another account lessens the number by 64):—"all other persons except Indians not taxed," amounting to 4631. The grand total was, 9,637,999; or 9,638,131; or, as another statement has it, 9,708,135. We should not trouble our readers with these variations, were they not eminently characteristic; and therefore not to be omitted, except at the loss of some distinctness in the conceptions formed of the subject of our narrative.

Several additional returns were required by the Act of Congress which made arrangements for this census. Of foreigners not naturalized, it appeared there were 53,687, in the States. The number of persons engaged in commerce, was 72,493; in manufactures, 349,506; and in agriculture, 2,070,646:—which awakens many reflections. We can but marvel at the generosity which induced the section that outnumbered the commercial division by two millions, to adopt "Free-trade and seamen's rights" as its battle-cry, and *casus belli*; and at the force which dwelt in that commercial "minority," enabling it to play a part in the history of the nation, so much more distinguished for all that constitutes true greatness and glory, than the part chosen by the "majority." The numbers engaged in manufactures sufficiently accounts for the attention now devoted to measures which were falsely held to be capable of promoting the manufacturing interest.

Subsequent statisticians have furnished us with another matter for consideration, derived from the results of this census; which is of so much importance that we insert it here. The increase *per cent.* in the ten years between 1810 and 1820, in the non-slave-holding States, on the Atlantic sea-board, was twenty-two; that of the slave-holding States, in the same region, was only five and a third;—in the West, the free States had increased in this period at the rate of a hundred and two *per cent.*, the slave States at less than fifty-five. The decennial increase in 1820, in all the slave States, was twenty-nine and one-third *per cent.*, in all the free States, it was thirty-seven and a third. And, lastly, whilst the old Atlantic States had increased only at the rate of twenty and less than a half *per cent.*, the Western States had increased at above a hundred and eight *per cent.*

Thomas H. Benton offers us a most doleful "view" of the "gloom and

agony" of the years 1819 and 1820. "No money," says he, "either gold or silver: no measure, or standard of value, left remaining. The local Banks, (all but those of New England,) after a brief resumption of specie payments, again sank into a state of suspension. The Bank of the United States, created as a remedy for all those evils, now at the head of the evil, [from such causes as we have seen,] prostrate and helpless, with no power left but that of suing its debtors, and selling their property, and purchasing for itself at its own nominal price. No price for property, or produce. No sales but those of the sheriff and the marshal. No purchasers at execution sales but the creditor, or some hoarder of money. No employment for industry,—no demand for labour,—no sale for the product of the farm,—no sound of the hammer, but that of the auctioneer, knocking down property. Stop laws,—property laws,—replevin laws,—stay laws,—loan-office laws,—the intervention of the legislator between the creditor and the debtor; this was the business of legislation in three-fourths of the States of the Union,—of all the South and West of New England. [This exception requires to be noted; because it is incontrovertible testimony to the correctness of the view we have presented, of some very momentous points in the history of these times.] No medium of exchange, but depreciated paper: no change even, but little bits of foul paper, marked so many cents, and signed by some tradesman, barber, or innkeeper: exchanges deranged to the extent of fifty or one hundred *per cent.*"

Few countries could have struggled through such a crisis as this. Fewer still could have seen it recorded, that at the very period when the most numerous and most clamorous classes were in such a condition as this, precisely *then*, the wrath and fire of party feeling all died out, and antagonists who had been opposed as the Democrats and the Federalists had been, laid aside their strife, and contended side by side to give stability and energy to "the Washington-Monroe policy!" This is one of the really remarkable features in the story of this Administration; and it indicates the true source of all these embarrassments to be—vicious legislation, not national indigence.

Congress reassembled on November the 13th, 1820; and the most exciting incident, marking the opening of the session, was the election of a successor in the Speaker's chair to Henry Clay, whose professional engagements disabled him from continuing to hold that post of honour and responsibility. Three candidates of note were put forward; Smith, of Maryland; Lowndes, of South Carolina; and Taylor, of New York. Sergeant of Pennsylvania was also nominated, but his supporters were too few to entitle him to more than a bare mention, in connexion with this warm contest. For three days the balloting was continued. Five several times was a majority, though not sufficient for the victory, secured by Taylor, on the second day; while Lowndes enjoyed the same fruitless triumph four times, and Smith three times. At length, the Northern men united their votes, and carried the New York candidate, at the twenty-second balloting, by an actual majority of two votes only, over Lowndes.

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Having seen Senator Benton's representation of the condition of the country, let us now glance at Monroe's given in his Message, which was sent as soon as, by the election of a Speaker, the organization of Congress was completed. Narrowly observed, it will be found exactly to confirm the opinion we recently expressed upon the genuine character of the troubles which now so seriously impeded the progress of trade.

"The revenue," writes the President, with somewhat too much truth for a passage in a state-paper, "the revenue depends on the resources of the country; and the facility by which the amount required is raised, is a strong proof of the extent of the resources, and of the efficiency of the government." And then he draws a contrast between the amount of the United States' debt on the 30th of September, 1815;—namely, (when all that could, by any means, be brought into it, was included,) one hundred and fifty-eight millions, seven hundred and thirteen thousand, and forty-nine dollars; and the amount of the debt on the 30th of the September preceding the date of his Message,—ninety-one millions, one hundred and ninety-three thousand, eight hundred and eighty-three dollars; sixty-six millions, eight hundred and seventy-nine thousand, one hundred and sixty-five dollars, having been paid off in the interval of five years. And this was in addition to the discharge of all the other obligations of the government, as well extraordinary as ordinary.

"By the discharge," said he, "of so large a portion of the public debt, and the execution of such extensive and important operations in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources." This was, as one annalist states, "a very pleasing picture of the affairs of the nation;" but momentous omissions are very noticeable in it, by which its truth and, in consequence, its historical value are greatly diminished.

On the second day of the session, the President communicated to Congress a copy of the Constitution of the State of Missouri; which had been framed during the recess, and which will come under our consideration in a later chapter. In each House it was referred to a committee for examination, before the course of action should be determined. Little difficulty, in all probability, would have been made, respecting the final admission of this State into the Union, had not a clause been inserted in its polity, prohibiting free persons of colour from so much as entering the State, "under any pretext whatsoever." This clause revived the discussion with all its former acrimony, and the triumph of the advocates of the compromise seemed in danger of being lost. The committees, indeed, reported in favour of sanctioning the constitution, notwithstanding the objectionable clause; and the Senate, after an animated debate, adopted the requisite resolution for admitting Missouri into the confederation.

But this example was not followed by the House of Representatives.

There, the scheme by which the admission had been carried in the Senate proved wholly unsatisfactory; the first attempt to carry a resolution of the same tenor, of which Lowndes was the author, failed immediately; although many of the Northern men, who had voted for the compromise, remained faithful to their implied engagement. Another resolution was then proposed, calling upon Missouri to expunge that clause, as contrary to the Constitution of the United States, by a certain day, and then to be admitted into the Union. But this was rejected by a large majority, and then Henry Clay rose,—he had been absent from Congress during the first part of the session,—and once more poured oil upon the troubled waters. He moved the appointment of a select committee of thirteen, to consider the resolution of the Senate and to report thereon.

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This time the skill of the orator of Kentucky proved unequal to the task he had undertaken. Notwithstanding the care with which “he consulted the feelings of both parties,” in constructing the resolution which he reported; notwithstanding the feeling and power of his speeches, which not unfrequently “drew tears from the hearts” of his hearers, and the prophetic tone with which he besought the legislators to consider what they owed to their country; the resolution was thrown out by two votings, and when brought up for reconsideration, was again lost. The position was indeed most critical. The next day after the reconsideration of this vote, was the time appointed for the public counting of the votes for President and Vice-president; and it was known that Missouri, with that regard to Constitutional form which was peculiarly Democratic, intended to present its vote, and to claim that it should be counted.

In anticipation of the effervescence which this would certainly occasion, it had been arranged, in spite of the objection of John Randolph,—who contended that the informality would vitiate the election,—that the Vice-president should, in case of a challenge, announce the votes, first with that of Missouri, and next without it, to show that whether this vote were counted or not, the result would be the same. As had been feared, the scene was one of the greatest turbulence and excitement, until at length the Senate withdrew in a body, leaving the Representatives wrangling with each other, in a state of tumult and confusion, which very few legislative bodies have ever suffered themselves to be betrayed into. After an hour spent in proposing the most contradictory motions, and in shouts of “Missouri is not a State,” and “Missouri is a State,” Clay succeeded in procuring a vote, inviting the Senate to return and complete the duty of counting the votes. The Senate accordingly came back, the vote of Missouri was again declared, and the result was announced, first with, and then without, the vote, it being in both cases the same. To crown the disorder of the day, after the Senate had left again, John Randolph proposed a resolution declaring the whole formality invalid, and the House immediately adjourned.

We may here for a moment interrupt this narrative, to record the result of the Presidential election. The whole of the votes of all the States excepting

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one from Massachusetts, idly bestowed upon John Quincy Adams, were given to Monroe for the Presidency. The total number was two hundred and thirty-one. Tompkins received, for the Vice-presidency, two hundred and eighteen votes, including those of all the States, except New Hampshire, Massachusetts, Delaware, and Maryland. Massachusetts gave eight of its votes to Stockton; Delaware gave all its, four in number, to Rodney; Rush received one from New Hampshire; and Harper one from Maryland. The votes of Missouri were not counted.

Congress and the country, too, were now wearied out by the Missouri question, the principles involved in it had, also, been sacrificed in the "compromise," so that this renewed debate was, on all sides, felt to be superfluous. Perceiving this, Henry Clay proposed a joint committee of the two Houses to determine what should be done; and this being accepted by large majorities, twenty-three Representatives, and seven Senators, were selected for the purpose. The result of the conference of this joint committee was the report of a resolution in favour of the admission of the State, provided that its legislature should first declare, that the clause which occasioned all this debate should never be construed to authorize the passage of an Act, by which any citizen of the United States should be debarred from the enjoyment of all the privileges guaranteed to him by the Constitution. This second "compromise" passed the House, on the 26th of February, by a vote of eighty-six against eighty-two; two days later the Senate concurred in it, by a vote of twenty-eight against fourteen; and on the 2nd of March, Monroe "approved" and signed it.

So ended at length this "distracting" and mischievous contest. On the side of the slave-holding States the object aimed at was manifest; but their antagonists at first put on an appearance of zealous philanthropy, which (as a recent historian remarks) was even less genuine than the regard for "sailors' rights," professed by the Southern and Western States in the Second War. As Rufus King avowed, the Northern men contended for political superiority in the Union; their willingness to accept a "compromise" demonstrated this; and it is here, rather than in the fierce propagandism of thralldom, displayed by the Slave States, that we discover the most hopeless element in this great and profoundly interesting question.

Brief as this session was, and in spite of its bringing both Executive and Legislature to the term of their offices, there was another business, of a more pressing nature than the Missouri controversy itself, to dispose of. Monroe's brilliant statements of financial prosperity, always contradicted practically by the commercial distress of the country, at length were refuted by the embarrassment of the Treasury itself. The loan of the session preceding would not have helped the Secretary to the end of the year, had not some of the public creditors been forbearing. And it now became necessary to devise means for realizing the magnificent *programme*, which the President had published at the commencement of his Administration. Great was the difficulty and the danger. Government could not reimpose the internal taxes and retain its



popularity; it could not brave the consequences of the falling off in the revenue. Nor durst it adopt the only sure method of securing a remunerative duty on imports,—that of lowering the imposts upon all things in general demand,—even if it had the sagacity to perceive this most momentous financial principle.

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A new loan was the first device, and one of five millions was, on Crawford's recommendation, authorized. But this, without retrenchments, was insufficient. The reduction of the salaries of the executive and legislative departments of the government was proposed; but such a sacrifice, for the deliverance of the Secretary of the Treasury, was greater than could have been expected. The only thing done in this direction was the abolition of a clerkship in the office of the Attorney-general, which saved the nation eight hundred dollars a year; and that was regarded as a gain. The army could, however, be reduced. As we have remarked in passing, the possibility of a renewal of the war with Britain lurked still in many ardent minds; and in addition to that, military glory, won so easily at New Orleans, had not a little fascinated the spirits of the people. The officers of the army would, of course, resist the disbanding of it. But whatever the feelings were which had saved the military establishment, want of money made it absolutely necessary to disregard them, and four thousand, out of the ten which had been left when the war was over, were now dismissed to pacific and productive labour. Several of the officers resigned, and no more were retained than the actual strength of the regiments required.

Half the annual appropriation for the maintenance of the navy was withdrawn; and the sums devoted to the construction and armament of fortifications was similarly reduced. The measures did not evince any particular financial ability, but for the time they promised relief; and the real solution of the difficulties was left, as it generally is, to time, and the successors of the actual office-bearer. "*After me the deluge*," is frequently acted on, though not often avowed as a maxim of conduct.

Measures of relief for the public lands' debtors were adopted, as Monroe had suggested; by which twenty-three millions of dollars, owing to the government, were extinguished, or in good part sacrificed; but the sales for the future were rendered *bonâ fide*, and fresh inducements were provided for both settlers and speculators of the honourable sort. A motion in the Senate to declare John Adams' Sedition Law of 1798 unconstitutional, and to repay the fines incurred under it, was lost; Congress thus affirming the authority of the Federal Courts, and the Constitutional character of that well-abused law. Propositions to establish a national system of education, by means of the revenue arising from the land sales; and for prohibiting the payment of government demands in bills of State Banks, which issued notes of less than five dollars,—were also rejected, and by decisive majorities. On the 3rd of March the session closed.

The second inauguration of Monroe took place on the 5th of March, the 4th being Sunday. The usual ceremonies were observed; and the address was a

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business-like recital of the principal incidents of his Administration, and indication of the resources of the country. The fortification of the sea-coast, and the augmentation of the navy; neutrality with regard to the revolutionary contests in South America, and the removal of the Indians westward,—an equivalent for their lands being given in instruction, government, and sustenance, even;—such were the chief measures of a practical nature it proposed.

On the 3rd of December, 1821, the seventeenth Congress commenced its first session. Amongst the Senators chosen now for the first time were, Southard, of New Jersey; Martin Van Buren, of New York; Thomas H. Benton, of Missouri; and Cæsar A. Rodney, of Delaware;—few of the leaders in the preceding Congress were removed. The most prominent Federalist of those now first seen in the House of Representatives, was Henry W. Dwight, of Massachusetts;—on the other side were seen Cambreleng, Cadwallader C. Colden, William B. Rochester, and Reuben H. Walworth, of New York; another Cæsar A. Rodney, of Delaware; Robert Wright, of Maryland; Romulus M. Saunders, of North Carolina; and Joel R. Poinsett, of South Carolina. Taylor, Sergeant, Eustis, Mallary, Edwards, M'Lean, S. Smith, Mercer, Floyd, Philip P. Barbour, Nelson, John Randolph, and Lowndes, were elected again. Henry Clay was not a Member of this Congress. The candidates for the Speakership were, Taylor, the former Speaker; Barbour, of Virginia; Smith, of Maryland; and Rodney and M'Lean, of Delaware. The election was determined by the anti-Protectionists, who, on the twelfth balloting, carried Barbour, but by a small majority.

The Message, sent on the 5th of December, presented a more hopeful picture of affairs, showing that there was a surplus in hand, by the help of the loan; but it recommended a moderate additional duty on certain articles, for the purpose of securing an increase of revenue. Its communication respecting foreign relations will come before us in another chapter.

Acts of Congress affecting particular States, we, according to our usual plan, reserve till we speak of those States specially; and so with regard to those bearing on the foreign relations of the Union, we remand them to the chapter devoted to that subject. Apart from these, the greatest interest of the session centres in certain bills which did not become laws. Thus, the attempt to establish a general bankruptcy-law was renewed, and once more failed. There were various laws on bankruptcy in force in the States severally; but they, of course, could not affect the citizens of the Union generally; and some law which would be of universal application was greatly needed. The arguments adduced in opposition to the plan now proposed,—reduced to their real value,—merely establish these facts;—that the former bankruptcy-law, passed in the last year of John Adams' Administration, was of a Federalist complexion, and in good part copied from the laws in force in Britain; and that the chief use of such a law would be to protect the Northern against the Southern men;—and as a natural result, the bill was rejected.

Respecting the question of "internal improvements," also, some stir was

made. A bill for continuing the Cumberland Road, and for repairing the part which had been constructed, passed both Houses of Congress; but was returned unsigned by the President, accompanied by a communication of great length, treating of the whole theory and practice of American Constitutionalism. As a historical memoir, it would have some value now; could we forget the occasion, and attribute it to the simple desire to enlighten his fellow-citizens, by an *Excursus*, of the exhaustive sort, upon the Constitution. But in relation to this Cumberland Road, it reiterated the statements of the first Message to Congress, and the recommendation of an Amendment to the Constitution; and allowed that by a liberal construction of the Instrument, no Amendment was needed to confer the power claimed, although by a rigorous construction it was made to seem requisite. The scrupulosity of Monroe on this point is very amusing; because, both personally, and by party associations, he was identified with an ultra-liberal system of interpretation.

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The standing committee on manufactures, having had the question of further protection referred to them, reported it to be inexpedient. We may note here, that there seemed to be rising, in certain quarters, a dim perception of the truly wise policy on this matter, as the following extract from a historian of this Administration will show.

"The tariff question," he says, "excited great attention and interest throughout the United States. The friends of protection to American manufactures were zealous and active in spreading their views among the people, and in many of the Northern and Western States the agriculturists were convinced that *their* interests were promoted by it, as well as those of the manufacturers. Members of Congress from the Southern and from some of the Eastern States, at that time, were opposed to an increase of the tariff on foreign goods, from an impression that high duties operated unequally on different classes and sections of the community."

Unhappily the form of this perception was such, that it could not be developed into any large practical measure. Yet we shall see, that from this time the true view of Free Trade made way slowly, amongst the politicians of the Union.

Two measures which passed require mention. By one a loan of twenty-six millions of dollars at five *per cent.* was authorized, for the purpose of meeting the public debt, at six, and even seven *per cent.* then falling due. And by the other an apportionment of the Representatives to Congress, from the several States, was made on the basis of the last census,—the ratio adopted being one Member to forty thousand of Federal population. Congress rose on the 8th of May, 1822.

During this session, it was plain that the new parties, or sections which might coalesce into new parties, were gradually collecting. The question of protection divided the politicians of the Union by perfectly new lines; and it was the same with the right of Congress to superintend internal improvements. And since the greater number of the Federalists had been absorbed



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into the Democratic body, it was only by schism in this body that new parties could be formed. The prospect of another Presidential election, remote as it was, had called forth no fewer than six candidates. John Quincy Adams, who was the "successor" according to the precedent established in the cases of Madison and Monroe; Andrew Jackson, whose undoubted Democracy, added to the triumph at New Orleans, made him the popular candidate; Henry Clay, whose high standing as a diplomatist, and in Congress, justified his claims to the first office in the nation; William H. Crawford, William Lowndes, (who died in this year, 1822,) and John C. Calhoun, who represented sectional feelings, and personal or local politics, rather than party preference, or national renown. Adams, by virtue of his name alone, Clay, by reason of the Federalism of his policy, and as an opponent of the new Democratic party, received the support of the Federalists, or of those who had been Federalists. Jackson received that of the Democrats universally. It was also observed, that New England rallied round Adams, not unnaturally, nor unwisely; the South mostly affected Crawford and Calhoun; while Jackson and Clay divided the supremacy of the States beyond the mountains. Most remarkably, the rivals were all members of the old Republican or Democratic party. The candidates for the Vice-presidency were not so early in the field.

Leaving these high contests, we note the re-assembling of Congress, on the 2nd of December, 1822, for the short session terminating its constitutional existence. On the 4th they received the Message, which has thus been described:—"It presented a promising aspect of the foreign and domestic affairs of the nation. It contained nothing of any great interest, because nothing had happened. It recommended no important measure, because none was deemed necessary." The receipts from customs during the year, it said, would probably amount to twenty-three millions of dollars. The fostering of manufactures, but with great caution in respect of changes in existing enactments, was very safely recommended; and the reasons for rejecting the bill concerning the Cumberland Road were repeated.

Few Acts of note were passed in the session, thus tamely introduced, nor was any stirring political question obtruded upon the attention of the Legislature. Government proceeded with the tranquillity which characterizes a period of general prosperity, or one in which the energies of the people are stagnant. No increase of the duty on woollen goods could be effected; nor could imprisonment for debt be abolished; neither were the proposals to survey various canal routes (chiefly in the North) received; but an appropriation for the repair of the Cumberland Road passed, and received Monroe's signature, as he had intimated his willingness to co-operate to this extent in the cause of internal improvements,—the right of exercising jurisdiction and sovereignty on the route not being assumed by the Federal government.

One question of a peculiar nature came before Congress,—the state of the Vice-president's accounts. In accordance with a bill passed in the preceding session, the payment of his salary was suspended, as it appeared that he

was in arrear, in respect of the payments due by him to the Treasury. He had in fact become involved in his private affairs, in consequence of advances he had made for the defence of New York in the late war, and of default in the payment of public monies by his subordinate agents. In the trial before the Circuit Court however he claimed to be *in advance*, in his account with government, to the amount of nearly a hundred and thirty-six thousand eight hundred dollars: and a committee of the House of Representatives, who investigated the circumstances of the case, reported a sum of thirty-five thousand one hundred and ninety dollars actually due to him; the payment of his salary was, therefore, resumed, and the arrears due to him, paid. "He had performed," said the partial judges, "all that was required, and more than was promised or expected."

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Congress broke up on the 3rd of March, 1823; and the eighteenth Congress met for business on the 1st of the following December. The pending contest for the Presidency exercised, as was to be expected, considerable influence in the elections to the House of Representatives; for it was expected, that in consequence of the number of candidates, that branch of the Legislature would in the end be charged with the choice of the Executive, and the friends of the various aspirants exerted themselves to the utmost to secure a return favourable to their hopes.

In the Senate there still sat, Rufus King, Van Buren, Southard, Dickerson, Lowrie, S. Smith, J. Barbour, Macon, W. R. King, and Benton. John Branch, of North Carolina; Robert Y. Hayne, of South Carolina; and Andrew Jackson, of Tennessee; were conspicuous amongst the newly appointed Senators. The Representatives whom we have mentioned again and again as retaining their seats in the House, were almost all found there now. Henry Clay was returned for Kentucky once more; Daniel Webster took his seat again, but it was for Massachusetts now; and there were also sent for the first time to this Congress, Samuel A. Foot, John Forsyth, William C. River, and Edward Livingston. As was customary, the first trial of strength took place on the election of a Speaker; and the predominant influence of Clay was manifest, when he was returned at the first ballot, by a majority of nearly a hundred, over Philip P. Barbour.

The Message, sent on the next day after the meeting, dealt with some interesting questions on foreign affairs, which will come before us in due time;—it represented the finances as in a highly favourable condition,—promising a surplus of nine millions of dollars by the end of the year;—and advised a revision of the tariff, for the especial purpose of protecting American manufactures, and as a means of increasing the national prosperity. It also recommended the construction of a canal to connect the Chesapeake and the Ohio, as a great national work,—provided the jurisdiction were left in the hands of the States through which the canal should pass.

Most of the attention of Congress was given to the revision of the tariff, according to the President's recommendation. The expectation appears to have been entertained, that the system of imposts might be so arranged, as

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to afford full protection to American industry, "counteract the impositions of other nations," and operate equally upon all classes and sections of the Union. *Many* of the Members, it is alleged, advocated "the Utopian principle," of leaving trade to protect itself; but this, in the present acceptance of the term, Free Trade, seems scarcely credible. "The agricultural and manufacturing interests in the East and the West were united in support of the principle of a protecting tariff; and constituted a small majority in both Houses. The commercial and navigating interests of the North, joined with the large planters of the South, [they also were *agriculturists*, but no amount of "protection" could render the United States as good a market for their produce as England was; and hence their remarkable alliance with the un-Democratic North,] constituted a powerful, intelligent, and persevering minority, opposed to any tariff except for purposes of revenue." This sectional division helped not a little in determining one of the new parties, which were now germinating,—the *Whigs*.

For ten tedious weeks was this question debated; and finally the bill passed the Representatives by a majority of five, which might have been less, for two Members were absent; and the Senate accepted it, but amended its details considerably, the majority there being but four. So zealous was the "voting" in the House, "that several Members were brought in upon their sick couches." Henry Clay was the leader of the protectionists; on the other side appeared Daniel Webster. The arguments of the former are too diffuse for us either to quote or to condense them, and at a later period it will be incumbent upon us to offer some exposition of what he termed "the American system." His antagonist opposed such weighty remarks as the following.

"Suppose all nations to act upon [the doctrine of prohibition]; they would be prosperous, then, precisely in the proportion in which they abolished intercourse with each other. The best apology for laws of prohibition and monopoly will be found in that state of society, not only unenlightened but sluggish, in which they are most generally established. Private industry in those days required strong provocatives, which government sought to administer by these means. \* \* \* But our age is wholly of a different character, and its legislation takes another turn. Society is full of excitement; competition comes in place of monopoly, and intelligence and industry ask only for fair play and an open field."

The result did not bear out these last observations; nor has it in the United States to the present time [1854], although Great Britain has not only realized them, but reaped the full benefit from having committed herself to Free Trade, by such prosperity as she never knew before. The duty on woollens was the most important enactment of the bill; and it was intended to inflict a heavy blow on the Fatherland, which (partly in consequence of the greater adroitness of the British statesmen, in contending with the Americans, by means of tariffs) recoiled so gravely on the United States, that it speedily required revision. The President, whose scrupulous conscience regarding the Constitutionality of effecting "internal improvements" by



Congress, might have inquired, at least, if amongst the specified powers of the Federal government, this of protecting native industry was included. Some, consistently and correctly enough, denied this; Monroe both recommended and approved the measure,—professing to consider it *pro hac vice* a revenue bill.

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Thirty thousand dollars were appropriated for “internal improvements,” under the designation of the survey of such routes for roads and canals, as the President might deem of national importance;—and perhaps it was this clause which enabled Monroe to accept the trust, which he had declared to be unconstitutional. Another Act for extinguishing the debts, due to the United States from purchasers of the public lands, was passed now. By it, the purchaser was permitted to give up his purchase, and the debt was thereupon to be cancelled. In the Representatives once more a futile attempt was made to establish a general Bankruptcy law; and the Senate endeavoured, but without success, being thwarted by the other House, to abolish imprisonment for debt.

But it was the prospective Presidential election, which really occupied all the thoughts of the Legislators and the Administration; and gave a colouring to debates and votes, to propositions and enactments. There was also some special action on the matter, which requires to be noticed. The attack on the character of Crawford, by Ninian Edwards, commonly called “the A. B. plot,” because the accusations were made in a series of letters published in a Washington newspaper, and signed A. B., we need not speak particularly of; since it was an unfair electioneering trick, and was completely and deservedly exposed by a committee of investigation.

We have pointed out the unconstitutional nature of the scheme, by which the choice of the chief magistrates of the Union was taken out of the hands of the electoral colleges, in whom it was vested by the Instrument of government. Caucuses and conventions had usurped the functions of the electors, who now did no more than record the informal decisions of the parties they belonged to; it was therefore, and most properly, considered right to amend the Constitution, and to give to the people the direct choice of the President and Vice-president, by abolishing the colleges, or rather by substituting the candidates for the electors, in the primary vote. Neither House, however, would adopt this proposal;—the Members evidently expecting the result of the electoral vote in the ensuing election, which actually followed, and considering themselves as bound to retain the elective power, in that case to be enjoyed by them.

The adjournment did not occur (although it was not the longest session that had occurred) till the 26th of May, 1824; so protracted were the debates. But no session before it had ever been so fruitful in legislation; two hundred and twelve measures having passed through all stages.

Early in the session it was ascertained that “a decided plurality” of the Members of Congress were in favour of W. H. Crawford, the Secretary of the Treasury, who had nearly defeated Monroe in the caucus held in 1816;

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and great was the manœuvring and intriguing which followed. The partisans of the other candidates finally resolved, under something like a tacit understanding, that they would not hold any caucus in favour of their nominees; but the friends of Crawford held one, which, though attended by no more than sixty-six Members, obtained for him only sixty-four votes. Afterwards two were given to Adams, one to Macon, and one to Andrew Jackson. The sixty-four were, however, "nearly all the leading politicians of the old Republican party," and they declared him to be duly nominated as the candidate of their party. And it was to this meeting that Crawford's failure was afterwards attributed; although it was also assigned to the failure of his health, which made his supporters question if he could discharge the duties of the President's office, in case he were returned. Gallatin was nominated for the Vice-presidency by the same caucus, but he declined the honour. No other assembly was held in behalf of any of the competitors, but the canvass was actively pursued, and the partisans of each strenuously exerted themselves.

Whilst this contest was proceeding, and expectation was rising higher and even higher, because it was more and more certain that the ultimate decision would rest with the House of Representatives, it was remarked that the chief or only attacks on private character, made for electioneering purposes, were that "A. B. plot," recently spoken of, and something of a similar, but smaller, nature, respecting John Quincy Adams. This feature, with what is implied in such an observation, we must note thus, both for the sake of the light cast upon the habits of the people therefrom; and also because of the use which might be made of it, in the discussion of forms of government. We cannot but think, that the United States would have better discharged its duties to the rest of the civilized world, if, in addition to being sure that they had the most perfect political constitution that could be devised, they had taken care that those whom they aspired to conduct to the like perfection, should not be repelled by things of the self-same kind, with those that have disgraced the most imperfect and unenlightened polities.

On the first Monday in December, 1824, the 6th of the month, Congress assembled for the closing session of both Administration and Legislature. The Message was, as we might have anticipated, a self-laudatory review of the eight years then terminating; of which the extinction of some thirty-seven millions of debt appears to us to be the best part. How new States had been formed and admitted to the Union, and the population had "rapidly increased;" how the government had gained in strength and stability, and the prosperity of the whole Union advanced so greatly, as almost to obliterate the traces of the war, we do not need to hear. Neither does it come to us a new fact, that the old parties were quite defunct, and that, Phoenix-like, from their ashes new distinctions had arisen,—though the words of the annalist, abridging the expressions of the President in characterization of these distinctions, are new, as verging upon the excess of candour,—"growing out of attachments to, and expectations of office from, rival candidates for the Presidency."

The three months of this session were almost a void, in respect of legislation. Very soon after the commencement, the result of the voting in the colleges was known, and then the canvass of the Representatives began; all men looking forward with a constantly intensifying excitement to the 9th of the next February, when the real choice must be made. In this state of things, little regular business could be done; the Post Office was regulated, and the drawback on goods re-exported was arranged, (without regard to Jefferson's denunciations of the entire system,) the punishment of certain crimes against the United States was determined, and the appropriations required for carrying on the government, and extending the Cumberland Road, were made. Johnson could not succeed in carrying his bill for abolishing imprisonment for debt: nor could Rufus King persuade the Senate to adopt his scheme for emancipating the coloured races of the United States.

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One word, in passing, we must bestow upon this well-intentioned, though not well-devised, scheme. It was proposed to apply the proceeds of the sale of public lands, after paying off the national debt, to the ransom of slaves, and the removal of free persons of colour somewhither beyond the limits of the United States. This would not have interfered with the laws and usages of any of the Slave States, it is true, and it would have accorded with one of their most inveterate principles; but it would have pledged the Federal government against Slavery, and neither the North nor the South cared to see this done. There would soon have been discovered most serious practical difficulties, in the way of carrying out the provisions of such a scheme. Only in a government like that of Great Britain could a compensation, which should satisfy the expectations of the slave-owners, be voted as a condition of the release of their thralls. It could have proved in the end only the creation of a more profitable market for the peculiar produce of the slave-breeding States. This attempt demonstrated the incapability of the Federal government to deal with this question, intensely vital though it was to the Union at large,—an incapability which resulted from that fundamental “compromise” of the Constituent Convention, whereby the adoption of the Constitution was thought to have been secured. We do not discuss this subject now; in other places we shall find more appropriate occasions for presenting such observations, as the riddance of America from so foul and baleful an incubus as Slavery seems to us to demand.

Jackson, Adams, Crawford, and Clay, were the candidates now before the nation; but, from circumstances, the first two were the only real competitors. The result of the vote of the electoral colleges was,—for Andrew Jackson as President, all the votes of New Jersey, Pennsylvania, the Carolinas, Alabama, Mississippi, Tennessee, Indiana, with one from New York, seven from Maryland, three from Louisiana, and two from Illinois, ninety-nine in all;—for John Quincy Adams, all the votes of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with twenty-six from New York, one from Delaware, three from Maryland, two from Louisiana, and one from Illinois, in all, eighty-four;—for William H. Crawford, all the votes



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of Virginia and Georgia, with five from New York, two from Delaware, and one from Maryland, in all forty-one;—and for Henry Clay all the votes of Kentucky, Ohio, and Missouri, with four from New York, thirty-seven in all. There were two hundred and sixty-one votes to be given, and therefore an absolute majority would have been one hundred and thirty-one, which none of the candidates received; and in consequence no election was made.

For the Vice-presidency, John C. Calhoun received the entire vote of Maine, Vermont, Massachusetts, Rhode Island, New Jersey, Pennsylvania, the Carolinas, Alabama, Mississippi, Louisiana, Tennessee, Indiana, and Illinois, with seven from New Hampshire, twenty-nine from New York, one from Delaware, two from Maryland, and seven from Kentucky; a hundred and eighty-two in all;—Nathan Sanford received all the votes of Ohio, with seven from New York, and as many from Kentucky, in all thirty;—all the votes of Virginia, twenty-four in number, were given for Nathaniel Macon;—all the votes of Connecticut and Missouri, with one each from New Hampshire and Maryland, thirteen in all, were given for Andrew Jackson;—the nine votes of Georgia were bestowed on Martin Van Buren;—and Henry Clay received two from Delaware. Thus Calhoun became Vice-president; and, as Senator Benton observes, although a Southern man and a slaveholder, he “was indebted to Northern men and non-slaveholders, for the honourable distinction of an election in the electoral colleges,—the only one in the electoral colleges,—the only one on all the lists of Presidential and Vice-presidential candidates who had that honour.”

The canvass in the House was marked by the usual electioneering devices, the details of which need not now delay us; but we may state, that Henry Clay, finding his own election impossible, and considering his prospects at the next vacancy to be better served by the return of Adams now, threw all his weight into his scale. In consequence of this, an accusation of corruption was brought forward in a newspaper against Henry Clay, which he (unwisely, as it appeared to most of his friends) raised into importance, by taking notice of in the House. Eventually the matter was dropped, but only to be resumed in a more serious manner on a future opportunity.

On the 9th of February, the results of the election were declared officially in the House of Representatives, and the provisions of the Constitution for such a contingency were immediately obeyed, by the House proceeding to choose one of the three who received the greatest number of votes, to be President. On the first ballot, thirteen States gave their votes to John Quincy Adams; Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Louisiana, Kentucky, Ohio, Illinois, and Missouri;—seven for Jackson; New Jersey, Pennsylvania, South Carolina, Alabama, Mississippi, Tennessee, and Indiana;—and only four for Crawford; Delaware, Virginia, North Carolina, and Georgia. John Quincy Adams was thus elected President. Of individual votes of Representatives, he received eighty-seven; seventy-one were given to Jackson, and fifty-four to Crawford. And there have been those who contend that, rightly computed, namely, by the

simple scheme of shifting a few of the votes from Jackson's list into that of John Quincy Adams,—there was a clear majority in favour of the latter, in the original vote of the colleges! On the other hand, Senator Benton, on etymological grounds (for he insists much on “the principle *demos krato*,”) contends that how Constitutional soever, this election by the House of Representatives was a thing of naught. Notwithstanding all which opinions, on the 4th of March, 1825, as the next chapter declares, John Quincy Adams assumed the Presidential office, and that by virtue of the vote of the House.

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It was a happy thing for Monroe, that his Presidency fell in peaceful times; there was no severe test applied to his executive faculty. With the routine of administration he was perfectly familiar; and he had at the head of two of the Departments of the government, men of reliable judgment and ability. His principle was evidently to let things alone, as far as possible; and just so far as he was able to carry out this *faineant* policy, the country prospered; and the praise and gratitude for what was the natural fruit of the circumstances and character of the people, were given to him. He has also had attributed him the praise of having, by his judicious gentleness, completely obliterated the former fiercely-contested lines of party; but it must be remembered, that the fundamental distinction of party could not be obliterated, and that the minor points in dispute had, by mere lapse of time, passed out of view, so that here also circumstances very remarkably favoured Monroe's unenthusiastic tactics. In the time of his immediate successors was seen most plainly the real worth of his Administration to the commercial prosperity and the domestic peace of the United States.

## CHAPTER II.

PROGRESS OF THE UNION UNDER JOHN QUINCY ADAMS' PRESIDENCY.—THE “GREAT CONSPIRACY.”  
—THE OPPOSITION AND THEIR TACTICS.—VISIT OF LA FAYETTE.—PROPOSED AMENDMENTS TO  
THE CONSTITUTION.—EXECUTIVE PATRONAGE, AND PLACEMEN.—INTERNAL IMPROVEMENTS.—  
PUBLIC LANDS.—THE JUBILEE OF THE DECLARATION OF INDEPENDENCE.—GENERAL JACKSON  
ELECTED PRESIDENT.—PROTECTION.—DEBATES OF CONGRESS.—THE FEDERAL COURTS.—ORDER  
IN THE SENATE.

NOTHING in history so astonishes the inexperienced student as the vitality of party. It is exactly a quarter of a century since the *experimentum crucis*, as we termed it, was applied to the party system denominated Federalism; whereby was conclusively demonstrated its entire incapability of serving as a practical political symbol, or creed, to the people of the United States. Yet it is not until the period we have now reached, that we can decisively say,

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Federalism is dead. The truth in respect of all symbols is, that so long as any number of men can agree to work, or to fight, under them; however monstrous, anachronistic, effete, or puerile they may be, they cannot die. Nay, so long as any one man can find in such a symbol the expression of his ideal, for any department of his moral being, it must live. Federalism, such as it was apprehended, advocated, and carried into practice by Washington and Hamilton, by New England and "the Essex Junto," was now, at length, proved to the satisfaction of all, unfit to be either sign or watchword for any political party in the United States, and so it perished,—tranquilly, decently veiling the loss of its vigorous powers and original energy, by calling itself "the Washington-Monroe policy." It did a good work in its prime, and was not wholly unserviceable in its declining years, but, like all other mortal things, its allotted term was run, and in its feebleness it confounded eternal distinctions;—peace be to it; and to the memory of the great and good men who once gloried in being called by its name.

One thing however we must note here, and it will serve as an intimation of a very large and peculiar class of phenomena, not in history alone. The fall of Federalism did not *apparently* result from the superior force of its antagonist principle, so much as from a series of unpropitious casualties; of each of which it could be said, that it *might* have happened to Democracy,—there being no *à priori* improbability in such an event. Some of these we have pointed out as our narrative was proceeding, another we have reserved till now, where it will best receive the attention it requires.

How universally in the United States, during the war, and in the years immediately succeeding it, France was regarded with an almost personal affection, all our readers know. And it was with good reason, for (whatever her motive, the fact was the same) she alone spoke words of cheer, and did deeds of friendship for America, when the hopeless contest for independence of its mother country first of all began. But it happened in process of time, that in France itself a domestic struggle, closely resembling in many particulars the American Revolutionary war, began; and it went on to the phase of constitution-building, just as on the other side of the Atlantic. It is needless to insist upon the contrasts and diversities, which entirely prevent any but the most general parallelism, between the revolutions of the two countries; and yet they must be kept in mind, in order that we may see how it was, that a word like this *Federalism*, totally different in its meaning on the two sides of the ocean, came, nevertheless, to be adopted as a symbol by those who embodied in themselves most of the spirit of "permanence," and to be abjured as a symbol by those who represented the spirit of "progression" alone.

In France, Federalism included the establishment of local self-government, and the rival article of faith was, "the Republic, one and indivisible." In the United States, Federalism maintained the necessity of a strong national government, and it was opposed by the most vehement assertion of the independent sovereignty of the separate States. And yet, in the United States



Federalism was denounced by those of the rival party on precisely the same grounds, and in precisely the same incendiary style, as it was in France; nor was it the fault of that party, that it was not extinguished by measures as summary as those which crushed it in that unhappy country. Had the upholders of the principle of national sovereignty been so fortunate as to find another phrase,—and many another would just as fittingly have expressed it,—one of the most prevalent occasions of the utter unpopularity of their cause would not have existed, and (as far as we can judge) that most momentous principle would have been fairly discussed, and adopted honestly—and not under a false name, and upon the compulsion of necessity, (as it was, in fact,) by the very politicians who had most strenuously resisted and condemned it.

The inauguration of the second Adams, as President of the United States, took place on the 4th of March, 1825. Governor Seward, or the “able writer,” who completed his biography of John Quincy Adams, expatiates fondly on the “splendid and imposing” scene; but we must very briefly tell our story of the ceremonial, and leave entirely to our readers the filling up of our meagre outline, with escorts of horse and foot, civilians and military of all grades, judges and ambassadors, and the invariable accompaniment of such spectacles,—“a splendid array of beauty and fashion.” Monroe was present, and now obtained the epithet “venerable.” The President elect, it is especially noted, wore “a plain suit of black, and made entirely of American manufactures.” When all were duly marshalled in the House of Representatives, first came the reading of the Inaugural Address; next the oath, with its response of artillery-salvos; and then the “congratulations.” “General Jackson,” says our authority, “was among the earliest of those who took the hand of the President; and their looks and deportment towards each other were a rebuke to that littleness of party spirit, which can see no merit in a rival, and feel no joy in the honour of a competitor.” Finally, there was the “inaugural ball.”

Of the Address, a few excerpts and a much condensed abridgement may be given. Like all these state-papers, it is exceedingly didactic, and savours of the schools, rather than of the government. One part of it we would particularly point out,—that in which the speaker identifies his own political principles with those of his predecessor; for it will justify the arrangement, by which we have included these two Administrations in the same division of our work.

A eulogy of the Constitution, “that revered instrument,” opened this Address, and all the fruits of the expansive energy which had its special home in the Transatlantic Republic were ascribed to it. At the same time, it was admitted “that this picture had its shades.” “We have suffered,” said the new President, “sometimes by the visitation of Heaven through disease; often by the wrongs and injustice of other nations, even to the extremities of war; and lastly, by dissensions among ourselves,—dissensions, perhaps inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and with it, the

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overthrow of all the enjoyments of our present lot, and all our earthly hopes of the future. The causes of these dissensions have been various; founded upon differences of speculation in the theory of republican government; upon conflicting views of policy in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions, which strangers to each other are ever apt to entertain."

From this, there naturally followed such a review of the history of parties in the United States, as enabled the Speaker to introduce a panegyric upon his predecessor's term of office, as the time when "this baneful weed of party strife was uprooted." But the candid admission was made, that in spite of the effects of "ten years of peace, at home and abroad," in assuaging "the animosities of political contention," and blending "into harmony the most discordant elements of public opinion;" "one effort of magnanimity, one sacrifice of prejudice and passion," remained to be made,—“that of discarding every remnant of rancour against each other; of embracing as countrymen and friends; and of yielding to talents and virtue alone, that confidence, which in times of contention for principle, was bestowed only upon those who bore the badge of party-communion."

He next offered a view of the opposing interests in the Union, and of the Federal Constitution as the reconciliation of them, and the partial solution of all the theoretical difficulties which had been founded upon them, "as indicating the first traces of the path of duty, in the discharge of his public trust," and a *resumé* of his predecessor's Administration, "as the second." "In his career of eight years, the internal laws have been repealed, sixty millions of the public debt have been discharged, [the *cost* of these economies Adams prudently, but not wisely, omits;] provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the Revolution, [here, too, is a reticence; for we remember how this pensioning originated, and how it had to be restricted;] the regular armed force has been reduced, and its constitution revised and perfected, the accountability for the expenditure of public monies has been more effective, the Floridas have been peaceably acquired, [but not without discreditable *filibustering*;] and our boundary has been extended to the Pacific Ocean, [which Jefferson, twenty years before, boasted that he had done;] the independence of the southern nations of this hemisphere has been recognised, and recommended by example and counsel to the potentates of Europe, [whereof we shall speak in the next chapter;] progress has been made in the defence of the country by fortifications and the increase of the navy,—towards the effectual suppression of the African traffic in slaves, [but what respecting the *American* traffic?]  
—in alluring [*suaviter in verbo*, for assuredly the proceeding had been *fortiter in re*;] the aboriginal hunters of our land to the cultivation of the soil and of the mind,—in exploring the interior regions of the Union, and in preparing, by scientific researches and surveys, for the further application of our national resources to the internal improvement of the country."

"To pursue to their consummation those purposes of improvement in our

common condition, instituted or recommended by him, will embrace the whole sphere of my obligation." To Monroe's "emphatic" urgency on the subject of internal improvements "at his inauguration,"—to the exclusion of his famous *veto*, and of the new party division which had arisen mainly out of his self-contradiction on that topic,—Adams recurred, he said, "with peculiar satisfaction;" and he clearly announced it as his own opinion, that there was no unconstitutionality in measures which were for the advantage and renown of all. And then, with expressions of piety, which his long after-life gave abundant meaning to, the son of the second President was inducted into office.

Southard, Wirt, and M'Lean remained in their posts as Secretary of the Navy, Attorney-general, and Postmaster-general; the other departments had lost their Heads in consequence of the Presidential election, and Adams filled up the vacancies, with the consent of the Senate, (convened especially for the purpose,) by appointing Henry Clay, Secretary of State; Richard Rush, Secretary of the Treasury; and James Barbour, Secretary of War. And only one change was made during the four following years, when Peter B. Porter was substituted for Barbour, in May, 1828.

The assent of the Senate to these nominations was given, as we said, at a special session, and at the same time that branch of the Legislature took into consideration the treaty, which had been made with the new State of Colombia, for the suppression of the slave trade. Every precaution for the right understanding of this novel species of legislation had been taken; but it could not escape the understanding of Congress, that these treaties must react upon the "domestic institution;" and for that reason, in part, but also because of the strong opposition which existed to the new President, the sanction of the Senate to the treaty was refused by a majority of more than double the number of those who voted in its favour. This vote, and the others upon the appointments, were the first signs of that systematic resistance, which was made to the Administration by a combination of all the parties, who looked upon the Executive as not belonging to themselves. During the recess, this hostile feeling showed itself in a still more offensive manner.

We observed when we spoke of the canvass preceding the last Presidential election, that it was disgraced by less personal insult and accusation than was customary; one instance, however, we said would require to be spoken of again. This was the charge of corruption brought against Henry Clay, which his friends thought he gave undue prominence to, by noticing it in the House. It reappeared, though dimly, during the discussion in the Senate of his appointment as Secretary; and before the regular meeting of Congress, it grew to the dimension of an affair of state. We will briefly relate as much of this episode in the course of public business, as may be necessary to the correct understanding of its effects. Clay's friends called it "the Great Conspiracy."

Shortly before the election by the House of Representatives, on January

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the 28th, a letter was published in the "Columbian Observer," purporting to be from a Member of Congress, but without any signature, in which Clay was distinctly charged with consenting to transfer his interest among the Representatives to Adams, in consideration of the guarantee of the office of Secretary of State. His friends were said to have made the converse offer to the friends of Andrew Jackson, and the latter were spoken of as too honourable to "descend to such mean barter and sale," and the "bargain" with Adams was alleged to have been completed. It was soon discovered that the writer was George Kremer, a Representative from Pennsylvania, and on the 1st of February, Clay replied to these charges, by a "card" in the "National Intelligencer," in which he said of Kremer's letter, "I believe it to be a forgery; but if it be genuine, I pronounce the Member, whoever he may be, a base and infamous calumniator, a dastard, a liar; and if he dare unveil himself, and avow his name, I will hold him responsible, as I here admit myself to be, to all the laws which govern and regulate men of honour."

Two days later Kremer himself published (or Senator Eaton, in his name) "another card" in the "Intelligencer," directing "H. Clay" to the editor of the "Columbian Observer" for the name of the writer of the anonymous letter, and offering "to prove the accuracy of the statements" contained in it, as far as they "concerned the course and conduct of H. Clay." Perceiving the drift of this rejoinder, Clay demanded and obtained a committee of investigation in the House; but Kremer refused to appear before it, "on grounds of the most frivolous description;" by which means he virtually retracted not only his boast of being able to demonstrate Clay's corruption, but the charge itself also. It was upon this refusal of Kremer to justify his attack upon the character of Clay, that the friends of the latter grounded their counter-charge of "conspiracy;" while the sensitiveness which he displayed to an accusation, evidently framed for electioneering purposes, they regarded as untimely.

Of the charge itself we may here state, that nothing could be more unreasonable as an invention, as well as more groundless. For Clay's ulterior purpose, that of mounting the President's chair, his commanding position in the House was far more serviceable than office in the cabinet of John Quincy Adams. It was manifestly more to his interest, in that view, that the New Englander should be elected now; for it was most improbable that the choice of a chief magistrate would be made, in two consecutive instances, from the Western States. And the fact that he actually accepted the very office, which Kremer had indicated as the price of his vote and influence, and that *after* the charge had been publicly noticed both by himself and by the House, must be allowed its full weight in demonstration of his entire innocence of so grave a fault.

Not against Clay, however, but against the President himself, was the edge of this accusation, when it was revived, directed. And it was employed with effect, during the interval preceding the first regular assembling of Congress under the new Administration, along with other objections to the President

of a personal nature, or based upon his election by the House of Representatives. To these, no specific answer needs to be given, nor would they deserve even this passing mention, were it not that by them the real *animus* of the Opposition, which was now organizing, can be most surely discovered. And it was in this manner that the new parties, which had been silently, and perhaps even unconsciously, forming, whilst Monroe held the reins of government, showed themselves, as soon as his successor was installed in his room.

But before we arrive at the meeting of Congress, we must speak of the visit of La Fayette, "Hero of two worlds," who had once more crossed the Atlantic, and trod the soil which he had borne a conspicuous part in severing from the empire of Great Britain. Three years before, he had expressed a wish to look upon the scenes of his early exploits again, and to press the hands of the few survivors of the armies and the actors of the Revolution; and Congress had, by formal resolution, placed a government vessel at his disposal to convey him to America. Declining this honour, the chivalric marquis came in a common packet-ship, in the last summer of Monroe's Presidency, accompanied by his son, who bore the revered name of Washington, and arrived at New York on the 15th of August.

What "celebrations, processions, dinners, illuminations, bonfires, parties, balls, serenades, and rejoicings of every description, attended his way, from the moment he set foot on the American soil, until his embarkation to return to his native France;" how his tour through the States was one perpetual ovation; and his reception by the inhabitants *en masse* of one city and town after another, was here "splendid," and there "sublime;" and how in his gratitude and delight at the *apotheosis* accorded him, he saw nothing in all the land, but "prosperity and insured security, public and private," "good order, the appendage of true freedom, and a national good sense, the final arbiter of all difficulties," and "a glorious demonstration, to the most timid and prejudiced minds, of the superiority over degrading aristocracy or despotism, of popular institutions founded on the plain rights of men;"—all this we leave to other pens, ours is incapable of so lofty a task.

The hero assisted at the ceremony of laying the foundation of a monumental memorial of the battle of Bunker Hill, on the spot where the American marksmen had, for the first time, made their deadly fire felt, and defeat itself was a triumph more noble than victory;—he was received in the President's own mansion, as "the nation's guest," and visited Jefferson, Madison, and Monroe, now raised, by retirement from the cares and conflicts of office, to the rank of "sages;"—and finally, on the 7th of September, 1825, in the great hall of the Capitol, amidst a mighty concourse of all ranks, a solemn farewell was spoken to him by the President himself, to which he returned an equally affecting greeting; and he departed, lingering on his way only to gaze upon the tomb of Washington. Congress had provided for his return to France a new frigate, which, in honour of him, had been named "Brandy-wine;" and so ended this remarkable event, in which the most substantial and honourable qualities of the American character had displayed

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themselves, as well as that love of show and noise, by which they are so largely alloyed;—and which added one more to the many proofs of the profound reverence cherished, in this most democratic and commercial of all republics, for the members of the aristocracies of other lands, and for the military of every country.

Much interest was felt in the opening of the nineteenth Congress, which met on the 5th of December, 1825. In the Senate were now to be seen, Holmes and Woodbury, Van Buren, Smith of Maryland, Tazewell and John Randolph, Macon, Gaillard, Hayne, Cobb, Richard M. Johnson, Eaton, Harrison, Ruggles, and Thomas H. Benton. In the House of Representatives, there were Edward Everett, Daniel Webster, B. W. Crowninshield, Ralph J. Ingersoll, C. C. Cambreleng, John W. Taylor, M'Kean and Kremer, Barbour, Mercer, John Randolph, Rivers, John W. Campbell, James K. Polk, and M'Lane. Upon the first ballot for Speaker, John W. Taylor received eighty-nine, Louis M'Lane thirty-six, J. W. Campbell forty-one, and Andrew Stephenson seventeen votes; and eleven were scattered. On the second ballot, J. W. Taylor received ninety-nine votes, and was declared to be duly chosen. And next day the President sent his first Message.

In its general character, this document resembled the Messages of the preceding Presidents. It presented a favourable picture of the general concerns of the nation, both foreign and domestic. Yet several questions, arising out of the foreign relations of the Union, were spoken of as unsettled. It recommended the entire abolition of discriminating duties on tonnage, in respect of all nations who were willing to reciprocate the privilege; a revision of the judiciary system; a general bankruptcy law; an extension of the law of patents; internal improvements on an enlarged scale; the establishment of an observatory, a national university, and a uniform standard of weights and measures; and the promotion of voyages of discovery. It added,—“The Constitution under which you are assembled is a charter of limited powers; after full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention, should you come to the conclusion, that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed to you by that venerable instrument, which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people.”

The state of the finances was pronounced to be most flourishing. There had been a balance, little short of two millions of dollars, in the Treasury at the commencement of the year; and the receipts, to the end of September, were estimated at sixteen millions and a half, while those of the current quarter were expected to exceed five millions. And this was without reckoning the loan of five millions, which had been authorized by Congress. The expenditure of the year, it was said, would not exceed the receipts by more than two millions; but in it was included the extinction of eight millions of the public debt. The revenue for the coming year was calculated at twenty-



four millions, which would exceed the whole expenditure of the year. The entire amount of public debt, remaining due on the last day of the current year, was stated to be less than eighty-one millions of dollars.

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The first business of importance which came before the Houses, was a variety of proposals for amending the Constitution, in respect of the mode of electing the President and Vice-president. In the Senate, Benton once more led the way, with a resolution declaring for "the *demos-krateo* principle"; by which he meant the direct vote of the people. In the House, M<sup>r</sup> Duffie, of South Carolina, proposed the establishment of a uniform mode of electing the Executive officers by districts, instead of leaving it to the State legislatures, who were capable, as had been seen, of "Gerry-mandering" a State, for unjust and party purposes. He also introduced a declaration, in favour of preventing the election from ever devolving upon Congress. Other amendments, one of them prohibiting the re-election of a President for more than a second term of office, were also introduced. There were, in fact, nearly a dozen different resolutions upon this subject before Congress at the same time, and they were all referred by the House of Representatives to a committee of twenty-four; which after much discussion, and many efforts to reach some practical conclusion, found it impossible to agree in favour of any scheme, and begged to be discharged. So difficult was it found to apply a remedy to universally admitted evils, even under a form of government like that of the United States, which is allowed by all to be sufficiently compliant with the will of the majority of the people.

In the course of this fruitless discussion, by which at least a third part of the whole session was wasted, the charge against Clay was brought forward by M<sup>r</sup> Duffie, and "a state of feeling produced in the House, very unfavourable to the dispassionate decision of the proposed amendments."

Near the close of the session, a resolution was offered in the Senate by Macon, regarding the expediency of reducing the patronage of the Executive. It is not surprising that this thought should have occurred to any patriotic statesmen, after the use we have seen Jefferson make of this means of establishing the supremacy of his party. But we cannot ascribe this movement to so exalted a principle; it appears rather to have arisen from the fear lest any of the partisans of the majority should be displaced; and yet more evidently from the jealousy of the Legislature, at the exclusive possession of this instrument of power by the other branch of the government. For ever since Jefferson's "Revolution of 1801," the most hopeless elements in the political affairs of the United States have been the venality of the lower classes of public men, and the corresponding greediness of patronage in those of higher mark.

On the present occasion no fewer than six bills were reported by the committee, to which the question was referred, as the "foundation of a system to be followed up hereafter." But although unusual means were adopted to excite public opinion upon this subject, the matter remained in its first stage to the end of the session, and expired with the rest of the unfinished business.

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But this was not the only endeavour to invade the Constitutional privileges of the Executive, at this time; and thoughtful observers of the signs of the times perceived, but too clearly, a disposition abroad to neutralize, or destroy, the most wisely considered features of the polity of the United States. Jefferson's principal fear had been the establishment of a despotism, or bastard species of monarchy, by means of the privileges with which the Executive was invested; his opponents rather feared, that Congress should engross more than its share of power, and a tyranny, like that of the Long Parliament in England, be set up in America. And the fears of the latter now appeared not unlikely to be realized.

Another amendment to the Constitution, brought under the notice of the Senate during this session, was one intended to prevent the appointment of any member of Congress to any Federal office of trust or profit, during the period for which he was elected. This was a plain confession of the venality we have spoken of, the influence of which in vitiating the services of the Legislature we do not need to point out. But although the independence of the Members would have been efficiently guarded by this provision, and their characters raised above the possibility of suspicion, no action was taken upon the proposal. How this bore upon the agitated subject of Henry Clay's alleged corrupt "bargain" with John Quincy Adams while he was Speaker of the House of Representatives, and Adams a candidate for the Presidency, all our readers can see.

In the defeat of these, and other measures as loudly demanded by the public voice, or by the necessity of the case, may be seen a prominent feature in the tactics of the Opposition; which appeared determined to obstruct the course of the Administration, to the extent of their ability; with the hope of deriving advantage from its unpopularity, of which it would itself be the cause. And it was observed that the President's ill fortune in one respect singularly resembled that of his father, when in office,—who had in Jefferson, as Vice-president, a vigilant and inexorable political foe, just as now, John C. Calhoun, the Vice-president, proved. For, being empowered by the rules of the Senate to appoint all the committees in that body, he took care to nominate at least a majority, known to be hostile to the Administration. So great, indeed, at length became the scandal and inconvenience of such an ungenerous system of strategy, that the Senate took this power out of his hands; but the remedy was applied too late to prevent the mischief which had been intended.

Notwithstanding the astonishing increase of the population of the ultramontane region, no modification had been made in the arrangement of the judiciary department, since 1807, when Ohio, Kentucky, and Tennessee were formed into a circuit;—a singular illustration of the deep root which Jeffersonian abhorrence of the enforcement of a supreme national law had taken in the minds of the people. The affairs of the West were becoming sadly entangled in consequence of the want of Federal Courts, to which the settlement of most of the litigation there belonged. The com-

mercial intercourse with the States on the Atlantic, from which most of their supplies were derived, was one most fruitful source of business of this kind,—the traders of the West not being particularly punctual in their payments, and the Eastern men not unnaturally regarding the lack of this virtue as equivalent to the possession of most mercantile vices. And there were in addition, all the causes arising out of the uncertain and unsatisfactory titles to real estate, which prevailed there. Such was the delay in the courts of the western circuit arising hence, that justice can hardly be said to have been administered there at all.

One abortive attempt to correct the evil of this state of things,—a bill to establish the system of circuit courts throughout the United States,—was made in 1819; another of the same kind, for increasing the number of judges of the Supreme Court, was made in the first session of the eighteenth Congress,—but nothing had been done. Daniel Webster, therefore, now, as chairman of a committee on the Judiciary, introduced a bill, which provided for the creation of three additional associate judges to those at present existing, and an entire re-arrangement of the circuits of the West. “Great opposition was made to the passage of this bill. Some opposed it on the ground that it would render the bench of the Supreme Court too numerous, and thus diminish the responsibility and impair the usefulness of the several judges. Others objected to the introduction of so many judges, at one time, from the West. It was well understood, that dissatisfaction was felt, in that part of the Union, at some of the late decisions of the Supreme Court; and fears were expressed that, by the appointment of three new judges, these decisions would be reversed, and the law of the land unsettled. Objections of a party character were also started; growing out of the patronage which the passage of this bill would place in the hands of the Executive.”

The bill finally passed the House by a considerable majority; but having been much modified in the Senate, a difference arose between the two branches of the Legislature, and in spite of the efforts made to effect an understanding, the bill, the necessity of which was acknowledged by all, was lost.

Congress was now in general, as it seemed, favourable to measures of internal improvement; and many appropriations, having this object, were made in the present session. With the details we are not immediately concerned, but we observe that the execution of several plans was intrusted to the War Department. The usual appropriations for carrying on the government, &c., according to the President’s programme of business, were made; but the Opposition contrived to delay a bill, by which provision was to be made for the survivors of the army of the Revolution, until there was not sufficient time for it to become a law. The condition of the finances could not be appealed to, as an objection to this appropriation; and its failure, more plainly, perhaps, than any thing else, convicts the party by which it was effected, of *faction* resistance to the Administration.

Some excitement was produced among the Representatives of the Southern States, by the discussion of a bill for the relief of one Francis Larche, which



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had been sent from the House to the Senate. It appeared that, during the defence of New Orleans, a horse, cart, and slave, the property of the petitioner, had been impressed by General Jackson; and that the slave was killed by a cannon-shot from the enemy, whilst working on the lines. It was for compensation on account of the slave that the petitioner sued. The committee reported against his claim; on the ground that the emergency demanded the service of men; and so, master and slave, parent and child, and hired servant, were put in requisition, as they had been in other parts of the country, where the people had fought and died in the public defence, without requiring a money-valuation or compensation for their lives. This was considered by the Representatives from the Slave States, as a distinct denial that slaves were property, and hence the excitement which arose. For the principle had been adopted, at the close of the war, that private property, destroyed by the enemy, should be compensated for, but not human life. Nevertheless, it appears that the opponents of the claim admitted, as fully as the South could require, the right of property in slaves; but they looked upon the occasion as one which should have called forth the patriotism of the South, without the prospect of pecuniary compensation. They also held, that though slaves were property, the life of the slave was human life as well as that of his master. The subject was therefore dismissed.

The session ended on the 22nd of May, 1826; but though it had continued so long, and the number of enactments made was considerable, the country at large was disappointed; and the wish was universally expressed, that the next session should be devoted to business, and that less time should be wasted in idle and virulent attacks upon the Administration, and in protracting the debates for the sole purpose of impeding the action of the government.

During this session, and most appropriately on the 1st of April,—Henry Clay, being offended, as it seems, by something which John Randolph had said of him in the Senate, challenged the said Randolph to mortal combat. Randolph accepted the challenge, with a protest against the restriction upon freedom of speech in the Legislature, which it involved; and with a protestation that he would not fire upon his adversary. Benton has given us a full account of this “affair of honour,” and to his “Thirty Years’ View” we refer those of our readers who are curious about such matters. We are happy to record here, that although Randolph, forgetting his protestation, fired once at Clay, and twice received his fire, no greater damage was done than the perforation of Mr. Randolph’s coat by one of the Secretary’s balls. The combatants appear to have been good friends from this time; but why they should not have been so, without first venting their murderous hatred of one another in a duel, we confess ourselves unable to say. As little can we perceive the fitness of Senator Benton’s concluding comment upon it,—“It was about the last high-toned duel that I have witnessed, and amongst the highest-toned that I have ever witnessed, and so [?] happily conducted to a fortunate issue.” Neither can we admit the implication contained in the following sentences, from the same commentary. “Certainly duelling is bad,

and has been put down; but not quite so bad as its substitute—revolvers, bowie-knives, blackguarding, and street-assassinations under the pretext of self-defence.” For we can see another alternative, beside the two which Benton seems alone to contemplate; this, namely,—that America’s sons should hold them only to be men of honour, who *are* honourable indeed; and that they who are not so should be left to the correction of the laws. How it happened in the United States, that the “substitute” for duelling should be so hugely different from what it has been in Great Britain, where the things of which Benton speaks are in good part utterly unknown, we may perhaps find another occasion to show.

This year, 1826, stands marked in the Annals of America, as the Jubilee of the Declaration of Independence. Fifty years had passed since those men assembled at Philadelphia, and subscribed their names to the most remarkable political instrument the world had then seen;—securing for themselves, and most honourably too, a place in the roll of History thereby; although they only thought of making it impossible for them ever to fall under the sway of the Hanoverian Sovereigns of Great Britain again;—and lighting up in France (whence alone, and that not for the noblest of reasons, encouragement for their daring proceeded) that fierce conflagration, heaven-high, in which throne and altar, and all the social forms that time had rendered venerable, perished miserably, and a new age not for France only was introduced. Fifty years! And so much had come and gone! It was a matter which ought to have inspired the statesmen of America with thoughts that might have raised them wholly above that murky region in which they all were toiling and fighting for the *spolia opima* of faction. How different would the fortunes of the United States,—their rank amid civilized nations,—their influence on the progress of mankind, have been then! But, at times, it seems that they to whom wisdom is offered reject it, in order that by their folly others may be the more wise. Thus may it prove respecting the lost lessons of the Jubilee of Independence!

Few such anniversaries have ever been kept as this was. Independence-day, this year, could not be forgotten. Had it not happened in our own time, and had we not irrefragable evidence of the fact, we should surely regard it as a legendary addition of the vain-glorious, and not very scrupulous, chroniclers of America,—the newspaper editors,—who could not see in the *fiftieth* anniversary of the high day when the United Colonies of the West declared themselves free from the yoke of the mother country, enough of glory, and so invented the improbable tale,—that, on that day, two of the Ex-Presidents,—one the author, the other a most prominent supporter of the Declaration of Independence,—one the type of the Federalist party, the other the founder of the Democratic party,—both of them intensely American, and proved so by every vicissitude of political fortune,—John Adams and Thomas Jefferson,—on that fiftieth anniversary, died! Yet thus it befell; they two, comrades in the noble struggle for freedom, antagonists in the exasperating contest for place and power, friends when both had been dismissed

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with honourable mention from active service in the State; ended their long lives on July the Fourth, 1826.

It was conceded to John Adams, whom Jefferson disappointed of a second term in office, to see his son at the helm of affairs; having reached it by the same steps that led Jefferson thither, and excluded himself. And Jefferson regarded that son as his own disciple and convert, and saw in him Democratic-Republicanism installed in the Presidential chair. The political history of these rivals, yet brothers-in-arms, was singularly rounded and complete—so complete, that we cannot look upon the date of their departure as fortuitous;—and could it but be truly narrated, it would be found fuller perhaps of wide maxims, hinting at great principles, than any similar biographic story that we can imagine.

Adams was the elder of the two, but he outlived Jefferson by some hours, and he retained the possession of his reason to the last. It was a fine message, that which he sent by the orator of the day, to the party who were to dine in public,—“Independence for ever!” Nor could he think of “a syllable” to add to that toast. About the time that his venerable, though younger, compatriot expired, Adams said, as if comforting himself amidst his consciousness of fast ebbing life,—“Jefferson survives!”—“*Nunc dimittis, Domine; nunc dimittis!*” were Jefferson’s last words, in the utterance of which his will was concerned. He had longed to live to see that fiftieth return of the 4th of July, and he saw it, and so died. Of the honours paid to their memory, we cannot, and we need not, give any account; not Congress alone, the whole nation, mourned their decease and honoured their memories. They left living behind them one only of all those who with them signed the Declaration of Independence,—Charles Carroll, who for many years continued to linger amidst a generation, to which he was as a voice from the dead.

Daniel Webster, in his commemorative discourse upon these two “fathers of the state,” most truly said of them;—“No men ever served their country with more entire exemption from every imputation of selfish and mercenary motives, than those to whose memory we are paying these proofs of respect. A suspicion of any disposition to enrich themselves, or to profit by their public employments, never rested on either. No sordid motive approached them. The inheritance which they have left to their children is of their character and their fame.” We have with sufficient freedom, in the course of our narrative, commented upon the public conduct of both these eminent men. Gladly would we have spoken more favourably of that one, in whom the spirit of the South seemed to be embodied and to find a voice. But considering him, as we are enabled by personal remoteness dispassionately to do, as the representative of a powerful political sentiment, and as the inventor and vindicator of dogmas which have not yet lost all their power amongst men; we were bound to speak with rigid impartiality, and that we have endeavoured to do. The obscurity into which his name has already fallen, in the United States, is a satisfactory proof that we have not erred in assigning to Jefferson no more than a subordinate rank amongst the distin-



guished persons of his own country, and in the Walhalla of the world. Adams, on the other hand, made no such pretensions, and excepting the condemnation of his inordinate vanity, we had little that was unfavourable to say respecting him. Both of them survived the parties with which they had been identified; and saw, not without astonishment, that whilst their influence as party-leaders was inevitably extinguished, when new principles divided the political world; the influence of their characters as men, whether for good or evil, upon those who trusted in them, was immortal.

It must not be imagined, that the Opposition allowed the advantages of their position in respect of the Administration, to remain unimproved during the recess, but we will, for the convenience of our readers, postpone our account of this stage of "the Great Conspiracy."

The second session of the nineteenth Congress commenced on the 4th of December, 1826; and next day, the President transmitted his annual Message. The principal part of this document, relating to foreign affairs, does not require attention here; respecting the financial affairs of the Union, Congress was informed, that although the revenue of the preceding year had not equalled the anticipated amount, above seven millions of dollars had been applied to the reduction of the public debt, and nearly four millions to the payment of interest thereon; and the balance in the Treasury at the close of the year, was expected to be twelve hundred thousand dollars. The prospects for the coming year were represented as more favourable. Amongst the recommendations, which were few in number, and did not include one of those contained in the former Message, to which so little attention had been paid, the principal that we find, are a plan for the gradual increase of the navy, and the performance of certain works of internal improvement. It being the short and concluding session of the Congress, Adams, no doubt, thought—and wisely he did so—that there would be little time for attending to the suggestions of the government.

Another attempt was now made, to introduce a uniform system of bankruptcy, but ineffectually,—the majority affecting to believe, that though such a law would benefit the wealthy merchants of the Atlantic seaports, the rest of the community would receive from it nothing but harm. A bill for the increase of the duties on imported woollen goods, the design of which was to promote American manufactures by the unhealthy operation of *protection*, was introduced early, and passed the House of Representatives; but it failed in the Senate, being thrown out by the casting vote of the Vice-president. Various grants, and appropriations for the promotion of internal improvements, were made in compliance with the President's recommendation. The sum of five hundred thousand dollars yearly was also granted for six years, for the gradual improvement of the navy. But the proposal to bestow pensions upon the Revolutionary veterans failed once more; as did (and that worthily) a proposition to compensate the "victims" of the Sedition Law, in John Adams's "Reign of Terror," as the Democrats said.

Other matters of less importance need not detain us; but we must observe

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that so little had the hopes of the majority of the people, respecting the expediting of business during this session, been attended to, that on the 3rd of March, 1827, when Congress adjourned, an unprecedented number of bills, the passage of many of which was imperiously demanded by the public interest, remained unfinished. No regret was, therefore, felt by the country at the Constitutional termination of the existence of the nineteenth Congress. It was the first which had unreservedly devoted itself to the cause of faction; under what stimulus it acted therein, and how its example was followed, will presently appear.

One incident, by which the legislative history of the session was diversified, we will notice here. Almost at its commencement, an Alexandrian newspaper (for the corporation of "able editors" voluntarily performed the duties of "public prosecutor;" and somewhat exceeded the functions of that official, too;) averred, that while the Vice-president was at the head of the War Department, he was a guilty participator in the profits of a contract, entered into by one Elijah Mix, for the supply of the stone for the building of Fort Calhoun, called "the Rip Rap Contract." The charge had already been made known to the Vice-president; having been communicated to his successor in the Secretaryship of War, for the purpose of depriving this Elijah Mix of another contract, then pending.

This "Rip Rap Contract" had been severely animadverted on at the time; and the revival of the public doubt concerning it, under a new Administration, produced a very general excitement; and Calhoun resolved to demand an investigation from the House of Representatives, on the ground that the accusation had been placed among the records of the department he had presided over, and made the basis of official acts. This he did on the 29th of December, in letters addressed to the Secretary of the Senate, and to the Speaker; at the same time vacating his seat. The Representatives felt themselves placed in a position of great difficulty, by this appeal. The Constitution provided for no action on their part, in respect of the officers of government, excepting the impeachment of them. Moreover, none of them believed the charge; nor did they consider it consistent with their Constitutional duties to assail the characters of the public men from all the slanders of the newspapers. Nevertheless, they appointed a committee of seven, and upon them devolved the solution of their difficulty. For six weeks did these faithful partisans labour in their remarkable commission;—investigating charges which nobody believed, nobody supported, nobody opposed; and without any of the ordinary means of determining concerning them;—and then, in a report, they fully exonerated both Vice-president and Secretary of War from all blame, and, as far as they were concerned, terminated the affair.

Not, however, without a counter-report from Calhoun's adherents on the committee, who thought the praise bestowed upon him too small; nor without a protest, on the part of M'Duffie, who played the part of friend to the Vice-president throughout the business, against the way in which the ex-

amination had been conducted. Out of this protest, too, a duel rose; for in it M'Duffie reflected upon the committee which, in 1822, had considered that "Rip Rap contract," and he challenged one of their number, who undertook to correct his misrepresentations. "The defendant, according to the rules of this kind of warfare, having the right to choose the weapon, distance, and other circumstances, chose the rifle, at ninety feet. This arrangement, in the relative condition of the parties, the one being feeble in body and crippled in a former duel, the other an expert rifleman, put the life of the challenger entirely into the hands of his antagonist; a condition by no means to be desired. The terms were rejected. The broad-sword was then offered, and refused for the same reason. The affair terminated without bloodshed, each accusing the other of a violation of the laws regulating this species of homicide: the challenger complaining of the selection of unusual weapons, and the challenged charging his antagonist with having the courage to call him out, but not of meeting him in the field. This short session was disgraced by another challenge, which terminated in a like harmless manner."

Great unnecessary excitement was also produced in the House, by a resolution introduced by Saunders, of North Carolina, asking for a list of the newspapers, selected for the privilege of publishing the laws of Congress. Throughout the whole of February, the time appropriated to such matters generally was wasted in a dreary conflict of accusation, recrimination, and personal quarrels, arising out of this vexatious inquiry; and all that Congress learned, at last, was that Clay had taken from four newspapers, three of which were violently hostile to the Administration, the coveted perquisite of one or two hundred dollars a year for publishing the laws, and given it to four others, published in the same States.

The elections for the twentieth Congress took place soon after the adjournment in March, 1827, amidst the fiercest excitation. For the Opposition had now become completely organized; and the Administration party felt bound to employ every weapon within their reach in their defence.

This organization was commenced in the month of October, 1825; when the legislature of Tennessee formally nominated General Jackson as candidate for the Presidency, to succeed Adams,—who had not then held the office half a year. Jackson had, as formally, accepted this nomination; and delivered an address before both branches of the legislature, resigning his seat in the Senate of the United States. In this address, although delivered so short a time after the congratulations he had offered to Adams in the Capitol, he manifested the strongest dissatisfaction at the appointment of his rival, and hinted his willingness to take part in an Opposition, which should be grounded upon the allegation of the corrupt origin of the Administration.

Little progress was made in concerting any plan for harmonious action, during the first session of the nineteenth Congress; but in the vacation that followed, and during the second session, such advancement was made, that by the beginning of March, 1827, the discordant elements had assumed the consistence of a party organization.



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In this, they were remarkably assisted by two extraneous agencies. The first of these was one which ought to have led to a different result. John Quincy Adams, it appeared, was a hearty believer in those doctrines of political toleration and impartiality, in respect of appointments to public situations of trust, which his father and Washington had practised, which Jefferson had flouted, and General Jackson had strongly recommended to his friend Monroe, who paid no attention whatever to his advice. Anxiously desirous to avoid even the appearance of partisanship, the President had carefully bestowed the offices in his gift upon those whom he deemed the fittest for the discharge of their duties; forgetting, or disregarding, the fact, that his own virtue and patriotism were no guarantees for those of the men he appointed. He found himself, in consequence, in a position precisely similar to that of Washington, when Jefferson was Secretary of State. Not a few of his nominees used the influence, with which he had invested them, in direct hostility to his Administration; whilst others, by a frigid neutrality, equally promoted the interests of the Opposition.

The other circumstance unfavourable to the President was this. The numerous partisans, who had supported William H. Crawford in 1824, found themselves now without a candidate. Determined to oppose Adams, and desiring to do this in such a manner, that not only should they unseat him, but also carry the election of the candidate whom they might choose to support; they adopted General Jackson, solely because his unbounded popularity made his victory, at the next election, certain; for Crawford (and they had echoed the opinion) had expressed "horror" at the prospect of his return.

It was owing to this progressing organization, that so large a proportion of legislative action in both Houses of Congress was neutralized; and that those measures, which were especially recommended by considerations of general utility, were systematically resisted. For the skilful leaders of the Opposition nicely appreciated the unreflecting character of the multitude; and perfectly understood, that they could by no surer means advance their own triumph, than by fighting in such a manner under the conduct of their rivals, as to bring defeat upon the national cause. Other movements of the same kind will come under notice in the next chapter. But these proceedings in Congress were no more than the skirmishing of the lighter troops, in front of the regular army; or the manœuvring preliminary to the general engagement. No sooner had Congress broken up, in the beginning of March, 1827, than the signal for battle was made.

A letter—anonymous, as was customary on such occasions,—appeared in the newspapers, purporting to relate a conversation at the "Hermitage," in which the writer took part; the principal point being the iteration of the whole charge against Adams and Clay, with this trifling difference, that Clay's friends were said to have proposed to support Jackson, on condition that he should not make Adams Secretary of State,—a variation, which appears to have expressly intended to produce a split between the friends of Adams and Clay. Jackson stated, (according to this letter,) that he had

"most indignantly" rejected the proposal; and had declared, that he would never accept the Presidency unless he was fairly chosen, and "would see the whole earth sink under them, before he would bargain or intrigue for it."

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Clay, being called upon by his adherents, denied the statement altogether, and pronounced it destitute of any foundation; and the author of the letter, Carter Beverley, of Virginia, becoming known, was compelled to beg the testimony of General Jackson himself, in support of what he had said. Jackson's letter, which was dated on the 6th of June, commenced with a suspiciously anxious disavowal, in behalf of his correspondent, of any intention to make the matter public; and a still more suspicious declaration, that he had not seen the letter referred to. It then proceeded to relate the occurrence, out of which (as it was alleged) all these virulent attacks upon the probity of the Administration had sprung, as he had it from "a Member of Congress, of high respectability." We need not now transcribe this story at length; especially as it was no more than a repetition of the old tale of overtures made to the friends of Clay by the friends of Adams; the upshot evidently being, that the friends of Clay were ready to turn the scale in favour of that candidate, whose friends would promise that he should make their leader Secretary of State. And it recorded, "in substance," Jackson's reply,—“that in politics, as in every thing else, his guide was principle,” with much else, which we have heard before; and that he bade them, “If they had not confidence in me to believe, if I were elected, that I would call to my aid, in the cabinet, men of the first virtue, talent, and integrity, not to vote for me.” And, added he, “the second day after this communication and reply, it was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favour of Mr. Adams.”

To these accusations Clay immediately gave an unqualified denial, as far as he was concerned personally,—for Jackson had insinuated that the propositions he spoke of were made with Clay's knowledge;—he also professed his entire disbelief in them, as it respected his friends; reflecting severely at the same time upon “the responsible accuser,” who had “at length appeared.”

By the publication of his own letter to Carter Beverley, and of Clay's reply, Jackson now felt himself constrained to give up the name of his alleged informant, who was James Buchanan, a Representative from Pennsylvania, “a gentleman of the first respectability and intelligence.” He further alleged, that the same proposition, “substantially,” had been made to Major Eaton, his colleague in the Senate, who declined to communicate it to him. “Innocence,” said the General, with something too much of rhodomontade,—“Innocence never seeks for safety through covert ways and hidden ambuscades. She fights by day, and in the open plain, and, proud in her own strength, meets her enemy fearlessly.”

It was a truly unfortunate appeal, this which Jackson, in his “innocence,” made to the “respectable” and “intelligent” Mr. Buchanan. For, compelled to present a statement concerning the affair, the Pennsylvania Representative entirely exculpated Clay and his friends, averring that they knew

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nothing whatever of the alleged proposal. "He stated," says an impartial account of this part of the transaction, "that in the month of December, a rumour was in circulation at Washington, that General Jackson intended, if elected, to keep Mr. Adams in, as Secretary of State. Believing that such a belief would cool his friends and inspire his opponents with confidence, and being a supporter of General Jackson himself, he thought that the General ought to contradict the report.

"With the view of obtaining such a contradiction, after consulting several of the friends of General Jackson, and among others, General Eaton and Mr. Markley, who coincided with him in opinion, as to the expediency of obtaining some declaration from the General, for the purpose of inducing the Western Members to believe that Mr. Adams would not be continued by him as Secretary of State; Mr. Buchanan, on the 30th of December, 1824, called on him.

"After stating that such a report was in circulation, Mr. Buchanan went on to say, that 'he must perceive how injurious it must prove to his election, —that no doubt there were several able and ambitious men in the country, among whom I thought Mr. Clay might be included, who were aspiring to that office; and if it were believed, that he had already determined to adopt *his chief competitor*, it might have a most unhappy effect upon their exertions, and those of their friends. That unless he had so determined, I thought that this report should be promptly contradicted, under his own authority.'

"To this General Jackson replied, that though he thought well of Mr. A., he had never said, or intimated, that he would or would not appoint him Secretary of State. That these were secrets he would keep to himself; and that if elected President, it should be without solicitation and intrigue upon his part, and that he would go into office untrammelled, and at liberty to select the best men to fill the offices of the Government.

"Mr. Buchanan then asked permission to repeat this answer to any person he thought proper; which was granted, and here the conversation ended.

"Mr. B. further stated, that he called on General Jackson solely as his friend, and upon his own responsibility, and not as an agent for Mr. Clay or any other person; that he had never been a friend of Mr. Clay, during the Presidential contest; and that he had not the most distant idea that General Jackson believed, or suspected, that he came on behalf of Mr. Clay, or of his friends, until the publication of the letter making that accusation. Had he supposed that such an impression was entertained by General Jackson, he should have hastened to undeceive him; but, after the conversation on the 30th of December, the subject was never again alluded to, or mentioned by General Jackson, either by letter or conversation with Mr. Buchanan."

Even this, however, did not immediately put an end to the cry of bargain and corruption, against Clay and the Administration. The less proof there appeared in support of the accusation, the more clamorously and confidently was it urged. Until, in the following year, a circular letter was addressed to all the Members who were implicated in the charge; and by their replies,



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together with testimonials from distinguished Americans and others, to their knowledge of Clay's preference of Adams to Jackson from the beginning, was this vexatious business, as far as it was before the public, at length brought to a conclusion. It is a matter of less concern, and need not be discussed here, that Clay's friends, indignant at this "Great Conspiracy," (as they called it,) subsequently retorted upon Buchanan, Markley, Eaton, and Jackson himself, the self-same accusation of endeavouring to bargain for the support of Clay, by the offer of the Secretaryship of State. Apart from the influence of this affair upon the organization of the Opposition, the sole abiding interest attaching to it, arises from the proof it affords of a deplorable want of principle in certain public men, and of the dishonourable expedients to which, for the purpose of carrying their party ends, they would unscrupulously resort.

History needs not pronounce both Adams and Clay, "not guilty;" for although Jackson, with characteristic inflexibility, adhered to the story he had (in the heat of the canvass for the Presidential election) committed himself to; even such a resolute follower as Benton,—though he at first avowed his belief in it,—has recorded his entire conviction of its untruth. Baseless, however, and vile though these imputations were; and really discreditable only to the partisans and the party which could invent and maintain them; they not only prevented the re-election of John Quincy Adams, but thrice obstructed the elevation of Henry Clay to the chief magistracy of the Union. In this respect they are of the very gravest import, for the honour of the nation itself would be tarnished, should not that indorsement of slanders like these be distinctly cancelled. And it is in this view, that we have presented so full, though succinct, an account of a transaction, the once loud bruit of which has now fallen completely silent.

We now return to the twentieth Congress, the elections for which were proceeding when these attacks upon the President and the principal members of his cabinet assumed their most malignant form; and during the first fever of preparation for the approaching contest. The result, generally, was, that the Opposition received a large accession of strength. The Northern States returned the greater number of the supporters of the Administration; and the majority of its assailants came from the South and West. This happened, too, although there was nothing at all resembling a rally of the remains of the old Federal party around the President; and though the Democratic party was by no means unanimous in its adherence to General Jackson. The changes in the Senate which occurred at the same time, were also, for the most part, unfavourable to the government.

Conspicuous in the Senate, might now be seen Woodbury and Daniel Webster, Foot, Van Buren, Dickerson, M'Lane, Samuel Smith, Tazewell and Tyler, Branch and Macon, William Smith, Hayne, Cobb, Richard M. Johnson and Eaton, William H. Harrison, Ruggles, and Benton; some of whom had for a long time figured there. In the House of Representatives, there were seen Crowninshield, Dwight, Everett, Reed and Varnum, Ingersoll,

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Cambreleng, Buchanan, Kremer, M'Kean, the two Barbours, Randolph, and Rives, David Crockett, Polk, M'Lean, Livingston, M'Duffie, and Stevenson. In all, two hundred and seven members answered to their names, when Congress reassembled on the 4th of December. Only six were absent, and only two Senators did not take their places; such was the excitement which attended this renewed struggle between the parties that now divided the United States. The first contest arose respecting the Speakership; and Stevenson, of Virginia, was elected, having received a hundred and four votes, while Taylor, of New York, received ninety-four; four were given to Barbour, who, as well as Stevenson, belonged to the Opposition, three other votes were given to friends of the Administration, besides those given to Taylor; so that the clear majority against the Administration was eleven.

On the following day the Message was received, the principal interest of which lay in the intelligence regarding the foreign relations of the Union. The state of the revenue was said to be highly favourable, although there was a small excess of expenditure over the receipts; because upwards of six, out of the twenty-two millions and a quarter, which had been disbursed, had been applied to the reduction of the public debt. The balance which was expected to be in the treasury at the end of the year, was nearly five millions and a half of dollars. Next came a notice of disturbances among the Indians on the North-western frontier, which had been happily suppressed. Various schemes for internal improvements were then spoken of; these formed a prominent feature in the recommendations to Congress. The increase of the navy and the formation of a naval school were also recommended; and the necessity of attending to the public lands was urged.

Without attending to the suggestions of the President, Congress devoted its chief time and thought to the revisal of the tariff. In relation to the domestic affairs of the country, the tariff was the means by which Henry Clay, and his school, hoped to secure such protection for American manufactures, as would nurture them into the capability of successfully competing with those of other countries. And from this point of view, it was a question whether Congress was capable of enacting any laws, the object of which should be "protection" rather than "revenue." There was, too, the liveliest jealousy displayed by the different parts of the Union against each other; every one of them asserting the necessity of "protection" in its own case, and denying it respecting all the other interests, in which it had no concern. In its bearing upon foreign relations, there was no doubt that it was aimed exclusively at Great Britain. "The subject occupied the House almost exclusively, from the 1st of February to the 22nd of April, when a bill passed, much altered from that reported by the committee, but by no means conformable to the wishes of the advocates of the protecting system;—Ayes, one hundred and five; Noes, ninety-four. In the Senate, it passed on the 13th of May; Ayes, twenty-six; Noes, twenty-one; with various amendments, not essentially altering its general character, which were concurred in by the House."

Into the details of this Act it is not our purpose now to enter ; the following statement by Mr. Pitkin will present a sufficiently clear view of them, for our history. "By this Act," he says,—("which has been declared not only highly oppressive to the great mass of the community, and injurious to commerce, but in direct violation of the Constitution itself;")—"the minimum system was extended generally to woollens;" different qualities of woollen fabrics being charged *ad valorem* duties of forty-five or fifty *per cent.* upon the "minimum" of their estimated value. "Unmanufactured wool was also subjected to a duty of four cents *per lb.*, and forty *per cent. ad valorem.* Additional duties were also laid upon iron, hemp, flax, and molasses; and the minimum price of cottons was raised to thirty-five cents the square yard. The policy of this Act was questioned by many of the merchants of this country, and its Constitutionality by most of the people of the Southern States. Unfortunately, it was a compound made up by its enemies as well as its friends, and was not satisfactory to either."

One passage we must also cite from Senator Benton's "Thirty Years' View," which will show us in how bitter a spirit of sectional hostility the debates on this tariff were conducted, and also how they promoted the downfall of the Administration.

"The South believed itself impoverished to enrich the North, by this system [of Protection; which (be it well noted) had been promoted by Jefferson and Clay, as much, or more, than by any Northern statesmen;] and certainly a singular and unexpected result had been seen in these two sections. In the colonial state, the Southern were the rich part of the colonies, and expected to do well in a state of Independence. They had the exports, and felt secure of their prosperity: not so the North, whose agricultural resources were few, and who expected privations from the loss of British favour. [We will mark this admission; for it not only explains the anti-British fervour of the South, and the anti-bellicose spirit of the North, in the days of Jefferson and Madison; but also exalts the patriotism of the latter, and greatly depreciates that of the former, in the times of the Revolutionary struggle: which, certainly, was far from being Benton's design, here.] But in the first half century after Independence, this expectation was reversed. The wealth of the North was enormously aggrandized: that of the South had declined. Northern towns had become great cities: Southern cities had decayed, or become stationary; and Charleston, the principal port of the South, was less considerable than before the Revolution. The North became a money-lender to the South, and Southern citizens made pilgrimages to Northern cities, to raise money upon the hypothecation of their patrimonial estates. And this in the face of a Southern export since the Revolution, to the value of eight hundred millions of dollars!—a sum equal to the product of the Mexican mines since the days of Cortez! and twice or thrice the amount of their product in the same fifty years. The Southern States attributed this result to the action of the Federal government—its double action of levying revenue upon the industry of one section of the Union, and expending it in another—and



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especially to its protective tariffs. To some degree this attribution was just, but not to the degree assumed; which is evident from the fact, that the protective system had then only been in force for a short time—since the year 1816; and the reversed condition of the two sections of the Union had commenced before that time. Other causes must have had some effect; [slavery, for example; as we believe;] but for the present, we look to the protective system; and, without admitting it to have done all the mischief of which the South complained, it had yet done enough to cause it to be condemned by every friend to equal justice among the States,—by every friend to the harmony and stability of the Union,—by all who detested sectional legislation,—by every enemy to the mischievous combination of partisan politics with national legislation. And this was the feeling with the mass of the Democratic members, who voted for the tariff of 1828, and who were determined to act upon that feeling upon the overthrow of the political party which advocated the protective system; and which overthrow they believed to be certain at the ensuing Presidential election.”

Retrenchment was another subject which occupied the time of the Representatives, during this session, from January till May. It was introduced by certain resolutions, moved by Thomas Chilton, of Kentucky, which—after declaring the importance of discharging the public debt, asserted that this could be done only by reducing the number of salaried officers, or lessening their “compensations.” Like every other topic, introduced to the notice of Congress, these resolutions were instantly converted into an engine of annoyance to the Administration; which, in self-defence, endeavoured to extort a triumph by demonstrating the economy with which the government was being carried on. A committee was named, all its members but two being chosen from the Opposition; and the contest was carried on by means of the evidence and the witnesses brought before them. After a very protracted investigation, a report was presented by the majority of the committee, which bears upon its face the signs of the object with which it had been got up. It denied the existence of any difficulty in reducing the amount of salaries, and the number of clerks, in most of the departments, but did not commit its authors by being too specific. The Post Office they had the skill to except.

The contingent fund, and secret service moneys, afforded them a fine opportunity, which they did not fail to use; and they expressed great alarm at the extent of the patronage of the press, which they found in the hands of the government. It seemed to them, that a sum of less than eighty thousand dollars,—which had been paid by the Executive and Post Office departments, for printing, (inclusive of that sum paid to eighty-two newspapers, for publishing the laws; of which mention has been made above,) advertising, and subscriptions for newspapers; during the three years of the President’s term of office, which had then passed,—or, about twenty-six thousand dollars a year, for all the things enumerated;—was “a pecuniary censorship,” sufficient to corrupt the whole public press of the country; a catastrophe which we, bearing in mind what has been related of Jefferson’s doings when

Secretary of State under Washington, and when Vice-president under John Adams, see no reason to fear. "It not having occurred to the committee," says our Annalist of this period, "that a successful candidate for the Presidency might, by rewarding influential editors with lucrative offices, [as happened once in the instance of the editor of the "Aurora";] obtain an entire control of the press; they made no provision against such contingency." A fault, we may add, not at all uncommon in cases like this.

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But the grandest point was made by comparing the average amount of the expenses of the Federal government, under the successive Presidents: whence it appeared that they had advanced thus;—under Washington, it was less than three millions; under John Adams, it exceeded five millions and a quarter; under Jefferson, it fell back nearly a quarter of a million; under Madison, it advanced beyond six millions; under Monroe, it nearly reached ten millions; but under John Quincy Adams, it fell little short of twelve millions and a half! The progress of the Union, and of legislation, during this period, they left out of view; although that might have thrown considerable light upon this increase of expenditure.

The counter-report of Sargeant and Everett, the minority on the committee, was widely different from that of the majority. "They stated that the expenses of the executive department, to which their inquiries had been chiefly directed, amounted to about one-fiftieth part of the whole expenditure of the government; that only one-sixth of this was, in any way, subject to Executive discretion, the residue being provided for and limited by law; and but one-tenth of this one-sixth was of a nature in any way questionable. The amount, therefore, which could in any measure be subject to the pruning of a 'Retrenchment committee,' was only *one three-thousandth* part of the public expenditure! [Perhaps it is to be regretted that so paradoxical a statement as this was made; one that looked less like the exaggeration of partisanship would have received greater attention; and if the object were not to defend the Administration, the putting forth of a counter-report was unnecessary.] Small, however, as it might be, compared even with the expenses which the debate on the subject had occasioned; they thought it ought to be critically examined, that every avenue to corruption might be stopped. They then," continues the compendium we quote, "proceeded to the examination of the various subjects embraced in the Report, and arrived at the conclusion, [*foregone* in their case, as much as in their opponents';] that the financial affairs of the nation had been managed with economy."

With a view to remedy certain difficulties in the mode of proceeding in the Federal courts, in the States which had been admitted into the Union since 1789, a bill, after much discussion, passed the Senate, and with little amendment (the exception of Louisiana being the chief alteration made,) was accepted by the House; and finally became law. Among the appropriations, we are glad to see one for the pensions of the Revolutionary veterans; and another for carrying on the Cumberland Road. The principle and Constitutionality of internal improvements were, as usual, copiously discussed;

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Members of Congress having regard far more to their standing with their constituents and the State legislatures which deputed them, than to the enactment of any clearly-planned and well-considered measures.

Vice-president Calhoun having provided an amusing puzzle for the House of Representatives in the preceding session, furnished the Senate with a similar one in the present session. He had adopted, it seems, a most literal interpretation of the Constitution; and, not finding it distinctly specified that as chairman of the Senate he should call to order any member deviating from, or disturbing it, he had declared, in order to keep still within the strict letter of that instrument and basis of government, that he could only decide upon questions of order, presented to him in writing by another member than the erring one;—John Randolph, whose genius was as discursive as his temper was fiery, and who was used to indulge in harangues by no means restricted either in length or subject, in the foregoing Congress had availed himself of this peculiarity of the Vice-president, to an extent that threw all the transgressions of other Senators, of a similar kind, into the shade. And it is hinted, that as Randolph's oratorical rambles consisted for the most part of *razzias* in speech against the Administration, (it was for one of them, in which he denounced it as a "Puritan-blackleg" government, that Henry Clay challenged him;) Calhoun was not disposed to check him, by exercising a power, which (it was alleged) there had been no occasion to invoke before.

In this scheme, however, as in that of nominating all the members on committees from the Opposition, the inconveniences went beyond the limits even of Senatorial forbearance; and a resolution was presented, expressly declaring it to be within the province of the *ex officio* chairman of the body to keep order in the Senate. Long and eloquent, we are told, was the debate which arose thereupon; the Opposition, of course, maintaining Calhoun's fantastic view, and calling upon the Constitution, the Republic, Freedom of Discussion, and all the other *Penates* and *Genii* of Democracy in America, which could on such an occasion, either suitably or unsuitably, be appealed to. Good sense, however, in this instance, carried the day against both the orators and their divinities; and a majority of thirty-one over fifteen determined that when called to order, by the president or by another Senator, any Senator should sit down, "and every question of order should be decided by the president, without debate, subject to appeal to the Senate." And thus was John C. Calhoun's most remarkable perplexity resolved.

Congress rose, once more to the country's great satisfaction, on the 26th of May, 1828; and the activity of all men was immediately turned to the Presidential election, which had absorbed almost all their thought during this protracted and well-nigh fruitless session.

Few contests of the kind have ever been so fierce as this of 1828. Truth and decency were scorned by the enraged partisans on both sides. "Judging from the public press," says a writer of the period, "no one would have deemed that one of the candidates was a gallant and successful soldier, who had, with unequalled self-devotion and patriotism, rendered to his country



important services in the field; and that he had, on various occasions, manifested rare qualities of decision, firmness, and sagacity;—that the other was the chief magistrate of the Union; a man of extraordinary talents and learning, of tried patriotism, of blameless morals, and unimpeachable integrity, and whose whole life had been devoted to rendering equally important services to his country, as a legislator and statesman.” From this may be concluded, too readily, what was the spirit of the efforts made in the height of the canvass, which occupied the whole of the recess,—to the exclusion of all care respecting any other matter affecting the interests of the country.

Before the time for the reassembling of Congress, the election had taken place; and although the result was not officially declared, it was well known, and influenced the course adopted by the Administration; we may, therefore, present a statement of its issue here. Every vote of Pennsylvania, Virginia, the Carolinas, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Missouri; with twenty from New York, five from Maryland, and one from Maine,—in all a hundred and seventy-eight,—were given to General Jackson. Calhoun received the same votes; with the exception of seven from Georgia, which were given (merely to mark the displeasure of the Crawford men, at Calhoun’s presumed connexion with “the A. B. plot,”) to William Smith of South Carolina. Jackson and Calhoun were consequently elected President and Vice-president. The votes given to Adams, and to Richard Rush for the Vice-presidency with him, were the whole number from New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware; with sixteen from New York, eight from Maine, and six from Maryland; in all but eighty-three, or not half the number given to the victorious candidates. The majority of Jackson and Calhoun, estimated by the “votes at the polls,” was only one-sixth of the whole number registered for them; and this will give us a fairer view of the real strength of the now dominant party in the country. Happily, it does not devolve upon us to write the secret history of this election.

On the 1st of December, the concluding session of the Legislature during the twentieth Congress, and the sixth Administration, commenced. Few changes appeared in the Members of either House; none of sufficient note to require mention. And on the next day the Message was received. The foreign relations of the Republic occupied, of course, the most prominent place and the largest space. A more favourable account than usual was given of the revenue; the receipts of the year were two millions more than had been estimated, but the expenditure had exceeded them by about a million and a half: above nine millions of the public debt had been paid off; and more than five millions of dollars were expected to be in the treasury at the end of the current year. It was well remarked, at the outset of the survey of home affairs, that “the great interests of an agricultural, commercial, and manufacturing nation are so linked in union together, that no permanent cause of prosperity to one of them can operate without extending its influ-

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ence to the others." But the principles of "protection" were not so fitly attached to this statement, by the observation that,—“all these interests are alike under the protecting power of the legislative authority; and the duties of the representative bodies are to conciliate them in harmony together.”

Adams' former Messages had been complained of by his own supporters, and marvelled at by his opponents, because they contained no reference whatever to the Tariff, or its Protective principle. He compensated on this final occasion for his former silence regarding them. Holding up the short-sighted and narrow commercial policy, pursued at that time by Great Britain, not as a warning, but as an example, he laid it down as the duty of the government to act upon the principle sanctioned by the Tariff Act of the preceding session, and he expressed the hope, that to it,—one of the principles, “upon which the Constitution itself was formed,” (little though we had imagined it;)—he hoped and trusted the authorities of the Union would adhere. Can we be mistaken in the supposition, that the real intent of this singular passage was the foundation of a practical basis for an Opposition party, when Jackson and his adherents, who were known to be, for the most part, opposed to Clay's “American system,” should come into power?

The remainder of the Message was taken up with the condition of the Indians dwelling within the territories of the United States; the need for fortifying the sea-coast, and increasing the navy; the desirableness of educating the officers of the army, for the purpose of increasing the usefulness of that arm of the service; and the necessity for making provision for taking the fourth census of the country, and of obtaining more complete and specific returns of the ages of the population. And, in conclusion, the President assured Congress of his continued earnest desire for the adoption of the measures he had before recommended; and of his cordial concurrence in every Constitutional provision which might receive their sanction during the session, and which tended to the general welfare. But not a word betrayed so much as a suspicion of the fact that he had been defeated, and disappointed of a re-election to the Presidency, and that this was the last time he would address the Legislature in that manner.

Little of the disgraceful and vexatious tactics of the Opposition troubled the proceedings of Congress during this session; yet, as preceding a new election, and the installation of a new President, not much more business was transacted than was absolutely requisite to carry on the government. Bills encouraging the shipping interest, by allowing certain drawbacks on exported goods, passed both Houses, and became law. A tonnage bill, proposing to repeal that duty on all American vessels, and on those of other nations placed by treaty on the same footing, was rejected in the Senate. Liberal appropriations were made for the promotion of internal improvements of various kinds; and the principle was once more largely debated, and at length affirmed by considerable majorities, both in the Senate and in the House of Representatives. The continuation of the Cumberland Road, and the conditional cession of it to the States through whose boundaries it passed, occu-

pied much of the time devoted to this section of public business. These are the principal matters which occupied Congress now ; other bills, and amongst them some originating with the Retrenchment committee, expired with the session, on March 3rd, 1829, not having been able to get through all the stages necessary to make them laws.

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One proceeding, however, we must speak of, which shows that the victory of Jackson's party had by no means assuaged their animosity against the Administration ; and which painfully illustrates that greediness of patronage, already so prominent in this strife of parties. The Senate refused to sanction the nomination of a judge in the Supreme Court, although the place had been vacant since the preceding August, and the business of the courts was inevitably hindered, and the ends of the administration of justice defeated, by the delay. There could be no doubt respecting the unworthiness of the motives which prompted this unusual course. And no remembrance of Jefferson's outcry against his predecessor's "midnight judges" could afford any countenance to it, as the nomination was made at the very commencement of the session. We must not fail, also, to remark the genuine Democratic contempt of "law," disclosed by this transaction ; and which is one of the most effectual impediments to the progress of the United States, in those particulars which alone can render a country truly great.

Few Administrations have been exposed to so searching a fire of criticism as this of John Quincy Adams. None was so obstructed by factious opposition. The faults of its policy were not many ; perhaps they might all be comprised under this one charge, that the President did really believe in the possibility of carrying on the government on the noble and national principles, consecrated by the approbation of Washington and his own revered father. It is not to be imputed to him as a crime, that he was not a greater statesman than the greatest of his country in his time ; and who shall blame him if he were more virtuous simply ? There can be little question, that the traditional feeling of the Democratic party, identifying him with his father, operated most powerfully in bringing about his rejection, at the end of a single term of office. And perhaps we should not much misstate the facts, if we were to say, that the election of the son of a President, which has happened in this sole instance, was regarded as equivalent to the re-appointment of the successor of Washington. In this respect, both father and son enjoyed a peculiar distinction ; and neither could feel that he had suffered any real disparagement. In another point of view, John Quincy Adams stands alone amongst the Presidents of the United States, and upon this, which is his most distinguished honour, the abiding renown of his name will rest,—his public services ceased not when he left the Presidential chair. Up to that time he had been employed by the *government*, and was regarded as the leader of a *party* ; but then, as if all that had preceded had been but the preparation and training for his public life, he entered the service of the *NATION* ; and to the day of his death, with the same simplicity, assiduity, and conscientiousness that had marked his earlier career, but with wider and



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loftier scope, he devoted himself to the promotion of those objects which his large experience had taught him were, above all, essential to the welfare and the advancement of his country. We see him return to the ranks of the citizens without regret, and we know that it did not cost him a single sigh. In the Capitol we may confidently hope to meet him again, and, if not there, wherever can be assembled the wisest and truest patriots,—the best of men.

### CHAPTER III.

FOREIGN AFFAIRS DURING THIS PERIOD.—NATIONAL DEFENCES.—FILIBUSTERING AND PRIVATEERING.—EXPLANATIONS OF RECIPROCITY IN TRADING WITH GREAT BRITAIN.—CONVENTION WITH GREAT BRITAIN.—TRADE WITH BRITAIN PROHIBITED.—SYMPATHY WITH THE REVOLTED COLONIES OF SPAIN; AND WITH GREECE.—SEMINOLE WAR.—COMMERCIAL TREATIES.—AMERICAN CONGRESS AT PANAMA.

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FOREIGN affairs, during the twelve years of the Administration of Monroe and John Quincy Adams, do not wear a very clearly-marked nor yet a very elevated aspect. With regard to Great Britain, the American government assumed, but fitfully, almost the same attitude that it took under Jefferson's direction; but without any desire or purpose to push matters to the length of war. The belief seems to have prevailed that Great Britain had been worsted in the late war; and ought therefore to accept, without ado, the commercial arrangements which the United States found convenient. And some wonder appears to have been entertained that she did not. With France the chief negotiations related to injuries inflicted upon American commerce before 1800. As to Spain, neglecting the wise neutrality which was counselled and observed by Washington, the government of the United States committed itself, notwithstanding the protests of its ambassadors, and the enactments of Congress, to an interference with that European power, not unfairly characterized by the filibustering expeditions in which it really commenced, and the piratical voyages of privateers, sailing under the flags of the revolted colonies of the once mighty mistress of the Indies. In the same spirit, also, the expression of sympathy was tendered to Greece, when it rose against its Turkish oppressors; and a precedent was established, which has gradually led to an involution of American affairs with those of the states of Europe, registered, in this year, 1854, for the study of those who watch the progress of events, by a Convention of diplomatists to discuss the fitness of engaging the United States actively in the contests that have now commenced; and which seems likely to lead to consequences, as little anticipated by the most

ardent movers in these transactions, as the possibility of such questions arising was by the founders of the Federative Union. At the same time, by joining in the Congress of Panama, the leaders preserved the semblance of being guided by the traditions of the elder statesmen of their country. And, remarkably enough, as associated with these incoherent proceedings, there were treaties concluded with European nations for the regulation of commerce; and tariffs, and similar measures for the prevention of trade, under the pretext of protecting domestic manufactures. Such were the prominent features of the policy and the action of the government of the United States, in relation to foreign powers, during the period treated of in this Book.

Monroe announced, in his inaugural Address, the line of conduct which he should pursue, and prefaced it with the following representation of this aspect of the affairs of the state, which will sufficiently explain the reason for matters assuming such a shape as we have shown.

"Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may, in that event, be the object of the adverse party to upset our government,—to break our Union,—and to demolish us as a nation. [It may be borne in mind with advantage, that all Europe was now at peace; that except with Great Britain, it is scarcely conceivable that any occasion of war should arise; and that in the lately-terminated war with that nation no such aims as these had been entertained by "the adverse party."'] Our distance from Europe, and the just, moderate, and pacific policy of our government, [Very correct now; not so true, when Jefferson and Madison were at the head of it.] may form some security against these dangers; but they ought to be anticipated and guarded against.

"Many of our citizens are engaged in commerce and navigation, and all of them are, in a certain degree, dependent on their prosperous state. [This the Democratic party had practically, *in toto*, denied.] Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience, if we did not expect it. We must support our rights, or lose our character,—and with it, perhaps, our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honour is national property of the highest value. The sentiment in the mind of every citizen is national strength. It ought, therefore, to be cherished."

Remembering, as we cannot fail to do, that the speaker on this occasion, was he who, when ambassador to France, assured Merlin *Suspect*, that the United States felt it no dishonour to have their ships spoiled by French cruisers; and that the insults then received from that volatile ally had never been repaired; we wonder a little that such things could escape him. But this is universally the drawback from the worth of these state-papers;—they are not historical documents, but partisan and even electioneering manifestoes. Much is omitted, and a peculiar hue and meaning given to all that is noticed; and as we have seen, when quoted they must be accompanied by

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a running commentary, which (after all) cannot accomplish half its design. It arises in part from this circumstance, we cannot doubt, that the historical faculty of the American people is so inoperative; that much of the popular conception of recent and almost contemporary events borders so closely on the legendary.

The address proceeded to counsel the fortification of the coasts and inland frontiers, the regulation and ordering of the army and navy, and the placing of the militia "on the best practicable footing." And it urged immediate attention to these subjects, now that it was peace, not because the best safeguard of peace was a state of preparedness for war, but as if "foreign invasion" was actually imminent. This seeming assumption that the only relations of the United States with other countries must be hostile, runs through the whole of the passage; and if it do not (as we are assured,) indicate that America felt itself an Ishmael in the family of civilized nations, it does show how little of the real grasp and vision of the statesman Monroe possessed. His notions of the matter were plainly the offspring of his experience alone; and he could not adapt the lessons he had so acquired to the present, which was totally different from the past, whence they had come to him,—nor to the future, in such a manner as to mould and fashion it into some nearer likeness to the ideal of his country,—without which it were vain for him to affect to guide the course of public affairs. Under such direction, however, we cannot wonder at the self-contradictoriness of the foreign policy of the Union at this time.

Protection to home-manufactures is the only other branch of this wide and concerning subject referred to; and that also is recommended by the consideration, that whilst dependent on "supplies from other countries," "the sudden event of a war, unsought and unexpected, [and therein wholly unlike any of the wars which the United States had known; if not, indeed, unlike any which it could know;] cannot fail to plunge us into the most serious difficulties." On this point, Monroe subsequently changed his mind; as he did on the constitutionality of internal improvements being undertaken by Congress; whence also we may infer the real origin of this want of distinct and settled purpose in the management of these foreign affairs.

Throughout the Administrations of Monroe and John Quincy Adams, we find in the Messages from the President, and the appropriations voted by the Legislature, proofs of attention to the importance of such national defences as Monroe's inaugural address spoke of. In the latter part of the time, however, less was said respecting the militia, and more about the army and navy, —a change which marks the prevalence of principles resembling the Federalism of Washington and John Adams. The militia was the favourite arm of the leading Democrats, who knew that valuable votes were won by flattering the military penchant of their fellow-citizens; and did not know how much training and discipline enter into the composition of veteran soldiers; and the greatest dread of the least increase or enhancement of the strength of either army or navy, was avowed; lest the Executive should be tempted, by



the possession of such instruments, to aim at establishing a tyranny. When we reach the next Book, we shall see the nearest approach to such an overthrow of the Constitution, which has ever been made; and in that instance, assuredly, the military who would have been turned to for aid in taking the last and most difficult steps of all, (and which, we scarcely need say, were *not* taken,) were the militia and volunteers, not the regular army. For a commercial nation, the jealous parsimony of the United States with regard to a navy is one of the most singular phenomena in their history; and can only be explained by the violent hostility which prevailed between the two great interests of the country, and the number and force of the anti-commercial party. To the former of these influences must be ascribed the difficulty, which attended the obtaining of the necessary appropriations for fortifying the harbours of the Middle and Eastern States; there being few forts in the South, and those not easily accessible to an invading enemy.

Before the end of the year 1817, Congress made inquiries respecting a *filibustering* expedition against Amelia Island and Galveston. It appears that one Gregor M'Gregor, who gave out that he had received a commission as a general from "the United Provinces of New Granada and Venezuela," in conjunction with Louis Aury, (of whom we shall hear again,) had taken possession of Amelia Island, with the avowed intention of renewing the attack upon East Florida from that point. M'Gregor's forces called themselves the *patriots*; but one who was not disposed to look upon the attempt with a very unfavourable eye, declares that they included outlaws from the United States, run-away slaves, smugglers, vagrants picked up by chance in the ports of the Southern States,—in fact the very *élite* of rascaldom; in proof of which, he alleges that Captain Woodbine, (whom we have heard of in these parts before, *opposing* attempts on the part of citizens of the United States against Florida,) was amongst them. English emissaries are also said to have been there; but this we can only regard as an indirect and not very manful scheme for lessening the blame attaching to the whole affair. M'Gregor proclaimed his ulterior object, after accomplishing the liberation of the province, to be its annexation to the United States.

"On the 30th of July, 1813," says Monette, whose story will in part suffice for our purpose, "the Spanish governor entered into a capitulation, for the surrender of the province to the patriot forces; thus again excluding the authority of Spain. But with this incongruous mass of reckless adventurers, no permanent government could be sustained. Dissensions arose; and General M'Gregor, having been supplanted by the artful intrigue of Hubbard, and having been induced to believe that his personal security was endangered by his enemies, retired from the command, and accompanied the notorious Woodbine to England. It was not long before Aury [who claimed to be an "admiral," under a commission like M'Gregor's] lost his influence, and retired also, leaving Hubbard in chief command.

"The government, under the usurped authority, had but short duration. To prevent the lawless assemblage which concentrated near the frontier of

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the United States, and interrupted the due operation of the revenue laws, the Federal government determined to take forcible possession of the country, until Spain should be able to maintain her authority over it. Accordingly, on the 1st of January, 1818, in obedience to instructions, Major J. Bankhead and Commodore J. D. Henly, with a division of the land and naval forces of the United States, expelled the patriots and took possession of the country."

This Hubbard had once been sheriff of New York; and a more probable story of the termination of the connexion of M'Gregor with the desperadoes of Amelia Island is, that finding the place unsuited to his own private designs, he returned to the Spanish Main,—no Captain Woodbine appearing on the field at all. The real intention of the leaders in this attempt was, it appears upon unquestionable evidence, the prosecution of an illicit trade in African slaves with the Southern States; and they did not hesitate to combine with this object every kind of smuggling and piracy. Several English adventurers, whose occupation was gone now that peace had been concluded, came to this pirates' haunt after M'Gregor had left it, under the impression that it really was a basis for hostile operations against the Spaniards in Florida. Perhaps these were the "emissaries" which we heard of above.

The "Admiral" in this affair, Louis Aury, had been associated with another establishment of the same kind. On the coast of Texas, about one hundred and thirty miles west of the mouth of the Mississippi, was a low and narrow, sandy island, called Snake Island. It was held to be within the western limit of the Louisiana purchase, as claimed by Jefferson; but, whatever it was *de jure, de facto* it was a possession of Spain. On this island, together with an adventurer named Herrera, who, when at New Orleans, described himself as "an agent from a Mexican congress,"—which he no doubt was,—Aury collected some three hundred brigands, mulattoes, Baratarians, (including their leaders, the Lafittes,) and scoundrels of every hue,—(who afterwards were joined by a "Colonel Young, late of the 29th regiment" of the United States, "Captain Brush" in the same service, whom we last saw at the river Raisin, "and several other officers and two hundred and fifty men," a "General Mino, and a Mr. Stewart, late from England;") under the favourite designation in those parts, *patriots*, to organize a republic and contend for "the liberties of man." Galveston was the name of this new Rome, and it boasted its civil and military governor, its secretary of state, court of admiralty, administrator of revenue, collector of customs, and all other officers requisite to impart to it a semblance of political order.

Hither were brought the prizes made by Aury's vessels in the Gulf of Mexico, principally Spanish slave-ships; but any other traders, of any other nation, the United States included, were not passed over. The slaves thus captured were sold to speculators from the Southern States, who smuggled them into Louisiana; and with them the goods taken by the pirates in other ships. "The men were well supplied with every thing, and paid monthly." But this remarkable experimental republic attracted the notice of some whose observation the leaders strenuously desired to avoid; and soon after the

accession of Monroe to the Presidency Aury removed to Matagorda, nearly a hundred miles farther west. This spot was too remote from the markets he had discovered for his commodities; and after a short time, he once more shifted his quarters to Amelia Island, as we have related. The Lafittes, with some half hundred new adventurers of the same class as the others, attempted to re-organize "the republic of Galveston," in the hope of carrying on their peculiar trade as before; but the scheme failed once more, and about the time that Amelia Island was surrendered to the forces of the United States, this establishment at Galveston disappeared.

The encouragement given to these infamous undertakings by the agents of the internal Slave-trade, the presence of officers of the United States' army and their men in such a haunt as Galveston, the amount of capital embarked, for there were said to be as many as fifteen vessels belonging to this scoundrel-state; all show how little distinction was made between the honourable and dishonourable profession of arms and seamanship, at least in the Southern States. And unhappily we shall soon see what encouragement was giving to such *filibusters*, by the neglect of the ordinary forms of intercourse between civilized nations, on the part of the Federal government. Still more unhappily, we shall see, as we proceed, that an equal laxity or disregard of principle in international dealings has marked the events of much later years.

How anxious, for many years, the American government had been to obtain possession of the Floridas, has been intimated on proper occasions, ever since we recorded the purchase of Louisiana by Jefferson. At first arising from the not unnatural nor improper desire, to be fully assured of the security of outlets for the export of the produce of the interior regions of the South and West,—which Spain, with most fatuous shortsightedness, had impaired; it grew into a covetous longing for the possession of a region, which offered to the often hardly-treated thralls of the Slave States, a ready asylum, and which might help in time to counterpoise the growing influence of the North, whilst it would be easy to carry on a contraband traffic in slaves brought direct from Africa, amongst the creeks and lagunes of that vast natural mole, which converted the Gulf of Mexico into a safe harbour for the nation who could obtain the ascendancy in its waters.

Jefferson's dreams of means for enlarging the territory and power of the United States, dawned upon him when he unexpectedly acquired from Napoleon Bonaparte all that remained of the once magnificent empire of France in North America. In 1791, when Secretary of State, he wrote to William Short, and in good faith, it appears,—“If there be one principle more deeply rooted than any other in the mind of every American, it is that we should have nothing to do with conquest.” But in 1823, when Florida had been achieved, he wrote from his philosophic retirement to his old friend Monroe, then holding the helm of affairs;—“I candidly confess, that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus



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bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being." It is due to the "Lone Star" *filibusters*, and to their supporters and imitators, to point out this opinion of the Sage of Monticello; and to our readers, to show that these later attempts upon Cuba have a deeper origin than the piratical habits of a few unprincipled and moneyless rogues.

The committee of the House of Representatives on foreign relations, to whom the consideration of the pretended attempts against Florida was referred, found themselves in the difficult position of having to condemn in Aury and his crew, what they had authorized in Claiborne, and his division of the United States' army. But with *naïveté*, which cannot be too much admired, they placidly remark that, "the greater part of West Florida being in the actual possession of the United States, this project [of Aury's or M'Gregor's, to conquer the Floridas] involved in it designs of direct hostility against them; [the United States!] and as the express object" of the Act of Congress, authorizing the occupation of that part of Florida, was "to prevent the province of East Florida from passing into the hands of any foreign power,"—not, be it observed, to retain it for their good ally of Spain,—"it became the obvious [and pleasing] duty of the President to exercise the authority vested in him by that law." And thence the suppression of the establishment at Amelia Island.

One paragraph further we must quote from this report. It will require not a solitary word of explanation.

"It does not appear, that among these itinerant establishers of republics, and distributors of Florida lands, there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was, therefore, an attempt to occupy that territory by a foreign power. Where the profession is in such direct opposition to the fact: where the venerable forms by which a free people constitute a frame of government for themselves are prostituted by a horde of foreign freebooters, for purposes of plunder; if, under the colour of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House, the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this Union."

Our readers will readily call to mind the fact of the occupation of West Florida, which is alluded to in this report. They will also remember the incidents, which marked the conclusion of the second Creek War. For these things indicated the determination of the American politicians, respecting Florida, as plainly as the attempts made to purchase the country of Spain. How Florida was now at length acquired, we will immediately proceed to show.

It was whilst the filibusters of Galveston and Amelia Island were founding their pretended republics, that a war was begun on the frontier of the United

States and Florida. So great had been the decline in the power of Spain, since the rise of the commercial greatness of England, that though she regained possession of Florida in 1783, she can never be said to have re-occupied the country. That rich alluvial flat, with its huge forests, and its poison-breathing swamps, (which, when properly drained, will prove so miraculously fertile,) were left almost entirely to fugitives from justice in the United States, a tribe of Indians which had been expelled from the Creek confederacy, the discomfited remnants of the "Red Stick" party, among the Creeks, in the last war, run-away slaves from the Southern States, smugglers, buccaneers, and marauders of every description; uncontrolled, except here and there by a small military post.

There can be no question, that the proximity of such neighbours to Georgia was sufficiently unpleasant; more particularly as the settlements of Seminole Indians, (that off-shoot of the Creek confederacy, of which we spoke,) lay partly within the boundary of that State. Under such circumstances however the establishment of forts and stations, though apparently imperatively needed, was sure to lead to consequences amongst which the acquisition of Florida was one of the most probable.

Loud complaints from the back-woodsmen of Georgia speedily began to pour in upon the authorities; and General Gaines, who commanded in that quarter, having demanded of the Indians on the Flint River surrender of some persons whom he charged with murder, was met by a decided refusal; on the ground that they were not the aggressors, just as we have seen it happen in so many cases in the North-west. Added to this ground of complaint on both sides, there was immediately afterwards the violence employed, in dispossessing the Indians of the territory ceded to the United States by the last Creek treaties;—violence for which the Indians took ample revenge, by attacking a boat, laden with supplies, on the Appalachicola, and killing above forty persons who were on board, some of them being women and children.

Whether it resulted from the weakness of the Spanish force, on the borders of Florida; or whether from that kind of disregard of the constitutionalities of international intercourse, which we have had repeated occasion to note in the dealings of the United States with foreign powers; or from both, combined; we will not pretend to determine;—but, as soon as the attack on the boat was known, the government authorized General Gaines to advance into Florida, (that is to say, to *invade* the territories of Spain,) "if necessary;" but specially instructed him not to attack a fort, if the Indians should take shelter under the guns of any, "but to report the fact." Jackson, who was the principal officer in the South, at the same time received orders to put himself at the head of the movement; and he was empowered to call out a militia force from his own State, in addition to that which had been raised in Georgia.

Matters stood in this position when Congress met in the beginning of December. But the Message took notice only of the "experimental republics"

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of Aury, and of M'Gregor's pretence of revolutionizing Florida. Not a word was said of the hostile appearance of affairs on the Appalachicola,—the boat attack had happened only three days before, and could not be known at Washington then;—arising from the resolution to “evict” the Indians by the summary process of burning their towns at night; when, by the extension of their settlements into the adjoining Spanish province, it was certainly to be expected, that such a proceeding would lead to war, if Spain had either the power, or the will, to retain that fragment of her former dominion in the New World. The blessedness of being the means of spreading civilization amongst the aboriginal red-men of America, and of elevating them above “the hunter's state;” and the security against their inroads, to be attained by opposing to them fortifications mounting cannon, they knowing the use of small arms alone;—these things were also touched upon.

One other point, of no small account in this condition of the relations between the United States and Spain, was mentioned too;—the revolted American colonies of that nation; and respecting them, the Message counselled “neutrality,” and the prohibition of succour to either party in the strife, “in men, money, ships, or munitions of war.” The United States, said the President, meaning the Administration alone, “have regarded the contest, not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights.”

This was, perhaps, approaching as nearly as could be expected to such deference with regard to Spain as might facilitate the transfer of Florida, without war; and win for Monroe the glory of leaving achieved the two first and greatest additions to the territories of the Union, by diplomacy alone. But it could not be very agreeable to the Spanish minister, and it must have been still less so to his government, to see the rebels spoken of as having “equal rights” with the monarch of the Indies. But he found matter of complaint in the expeditions against the two piratical settlements, also; and he had before complained that the pirates were allowed to beat up for recruits in the Southern parts.

During the session of Congress, the question of the more positive recognition of the newly-revolted colonies of Spain, as sister republics, was brought before the Legislature; which an agent of the rebel governments had urged, at the same time that the Spanish ambassador was protesting on the other side. The President laid all the papers which could throw light upon the matter, before the Houses, and every point in this complicated business was largely discussed,—new Republics, *Patriot* invasions of Florida, privateering under the flags of the rebel-states, the boundaries of Louisiana and Florida, and the old question of spoliations of the commerce of the United States, by the Spanish cruisers. On one of these subjects, the boundary question, Great Britain had been indicated by Spain as an arbitrator, whose decision she was willing to submit to; in fact, perhaps, because Florida had, for part of the preceding century, belonged to her. But the United States had one, if not two, boundary questions to settle with Great Britain herself, and



the Administration not so unwisely thought, that there was a likelihood that she would not be completely impartial.

No one can doubt that, quite apart from the probability of gaining Florida, and even more than that, in the course of the struggle, the sympathies of the United States went with the revoltors in the Spanish provinces. Had they not been able to show so clear a case in vindication of their rebellion, it must have been so. Yet, not now itself in a revolutionary attitude, but connected with the family of recognised governments by treaties and other diplomatic relations, the Administration of the United States found it somewhat difficult to determine what part to take, in respect of the new states which were rising amid the ruins of the once magnificent empire of Spain. The difficulty might well have been enhanced by the discovery of the close affinity, which *patriots* of the scoundrel order affected for those who were in arms for political liberty. Under these circumstances, Monroe adopted a course, as unobjectionable in itself, and as satisfactory in its result, as any which could have been devised;—he sent three commissioners to South America, to obtain information at first hand, that he might be enabled to judge what specific action it would become him to recommend to Congress. From his emphatic enunciation of the existence of a neutral policy, we conclude that neither he, nor his Secretary, John Quincy Adams, saw any reason then to expect the easier acquisition of Florida, in consequence of the outbreak in the South of the hemisphere.

When the appropriation to defray the charge of this commission was before the House of Representatives, Henry Clay took the step which American patriotism of every shade desired;—he proposed a new appropriation for a minister to the United Provinces of Rio de la Plata; leaving it, however, to the Executive to determine when it should be expedient to send one. The ground upon which he urged this, was the absolute necessity of forcing Spain to give to America, the reasonable satisfaction she had demanded for the long catalogue of insults and depredations, which had been the chief incidents in the relations of the two countries. And he advised the adoption of this course mainly, as his speech showed, because he had learned by experience, how unwise it was to follow up to actual hostilities, every cause of war; and because he especially deprecated the endeavour to bring about either an adjustment of the difficulties he had spoken of, or a war, by the seizure of Florida.

Few speeches upon the subject are so singularly instructive as this of Clay. It is a complete condemnation of the policy which caused the war of 1812, and of himself for precipitating the declaration of hostilities then. It is, too, a complete vindication of Great Britain from the most vehemently urged accusations of the leaders in the Revolutionary war, and of the Democrats ever since. And it blends the most chivalric considerations, based upon the examples of France in relation to the United States, and of the American government itself in its earlier and purer days, with considerations of mere self, in a way that characterizes with wonderful accuracy the assembly to

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which it was addressed. It did not, however, succeed in effecting the object of the speaker; nor was it till two years later, that, under his guidance, the United States had the honour of being the first constituted government, to recognise the right of the people of South America to look after their own political affairs; when it had been painfully demonstrated that Spain neither would nor could perform her duties, as mother-country, to them. For the present the majority preferred the easier and cheaper course of prohibiting privateering and filibustering by act of Congress; by which means "a base of operations" was secured for the action of General Jackson, who was now prosecuting with his accustomed vigour the Seminole war.

It was early in January, 1818, that this energetic captain, at the head of his redoubtable Tennessee Volunteers, set out for the seat of war. Before the end of the month, he concluded a treaty with that part of the Creek nation which was friendly to the United States; and secured their assistance against the Seminoles. On the 1st of March, he reached Fort Scott, on the Appalachicola; having now under his command above four thousand men, a force greatly exceeding in number the whole of the nation he was about to attack, including both women and children! Provisions running short, he hastened southward without delay, employing his Indians to scour the whole country round the line of march, by which means he secured a great number of prisoners from the enemy. On the site of the stronghold which the negroes had held, and been dispossessed of in the manner related in a former Book, Jackson built a fort and named it Fort Gadsden; and this he made use of as a depot for supplies.

On the 1st of April, the Creek towns on Mickasukie Lake, and the Ocilla River, were stormed and destroyed, and cattle and corn in abundance was taken. Here too was found,—what it suited Jackson's purpose to make a wonder of, although it was only the usual ornament of an Indian town,—a red-painted war-pole, from which were suspended a great cluster of scalps; fifty of them, it was said; and, as might have been expected, including those of every sex and age. They found some three hundred of these horrid trophies in all; and it was the number of them, so much exceeding that which any company of Hunting-Shirt men from the Western States could show, as well as their being mostly American, that shocked the General.

All this, it must be remembered, took place on the Spanish territory, and under the authority of the American government;—no leave was asked, nor any explanation offered;—supplies and men were carried through it, as if it had already been an integral portion of the United States. No time, however, was lost in proceeding to yet greater lengths. Acting upon the usual device in such cases,—the charge of assistance given to the enemy, (although in this instance, if the Spanish forces posted there had marched against Jackson, they would only have acted with strict propriety,) the General, victorious over the wretched handful of lurking Indians and fugitive slaves, hastened with his army to St. Mark's, a small Spanish post, with a fort, at the head of Appalachicola Bay.

Captain M'Keever had been sent to cruise off the mouth of St. Mark's River, to intercept any Indians who might attempt to escape that way; and "by hoisting the English flag, he had succeeded in decoying on board two chiefs," both of them distinguished amongst the "Red-sticks," and one of them,—the Prophet Francis, or *Hillis-hadjo*,—accused of having solicited the help of England. Their criminality was held to be demonstrated by their seeking refuge beneath the Union-jack, and they were hung by Jackson's order.

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"At St. Mark's, General Jackson found a feeble Spanish garrison, but no enemy." Monette describes it as mounting twenty pieces of heavy ordnance; and entertains no doubt of the guilt of both garrison and people, in abetting and supplying the Indians. On this pretence, the General "demanded of the Commandant, that the fortress should be occupied by the American troops; but whilst the latter was deliberating on this demand, and requesting time to communicate with his superior, the General entered the fort, hoisted the American flag, and shipped the Spanish authorities and troops to Pensacola."

"Near St. Mark's he found Alexander Arbuthnot, a Scotch trader from New Providence, who was carrying on an extensive intercourse with the Indians and negroes of East Florida. He had a store at the Suwanee villages, and was the owner of a small schooner, with which he carried on his trade between that place and the Bahamas. At this time he had left his store and vessel in charge of his son, and came to St. Mark's on the business of his occupation. The General seized Arbuthnot and put him in close confinement; \* \* \* and on the 9th of April marched for Bow-legs Town, and the negro settlements on the Suwanee River.

He proceeded against these places (which were above a hundred miles from St. Mark's) with the same precautions he had formerly used; and destroyed them as he had destroyed the Mickasukie towns; securing a considerable quantity of corn and cattle, and chasing the fugitives through all the neighbouring country. Having captured Arbuthnot's schooner, at the mouth of the Suwanee River, he used it to transport the sick and the baggage back to St. Mark's. Two days later, he captured Robert C. Ambrister, "a native of New Providence who had served in Florida during the late war,"—as "a lieutenant of marines under Nicolls," it was added. He was understood to be an agent of Arbuthnot, in his trading enterprises in Florida; in which they had a rival, named Hambley, who was either a Spaniard, or "a British subject," but certainly favourable to "the American interests," against whom, not unnaturally, they felt great indignation. They even accused him and his partner of bringing the forces of the United States upon the Suwanee settlements; and persuaded the Indians to imprison them both. The only thing which at all discredits this charge, is the fact, that the court-martial rejected an accusation of this tenour, when they were brought to trial.

Monette, whose Democratic tendencies we are now familiar with, tells this



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story with such great variations from that given above, that we must present his account for the entertainment and instruction of our readers.

"In the vicinity" of "the Seminole towns on the Suwanee River," says he, was "assembled a large body of Indians and negroes, amounting to about two thousand, acting under the orders of Arbuthnot, who was supplying them with arms, ammunition, and military stores." Then, after relating the slaughter and capture of the Indians, the destruction of their towns, and the ravaging of their fields, our author proceeds, a little inconsistently with what he just said;—"While here, the videttes succeeded in capturing the notorious Alexander Arbuthnot, [the poor man was subsequently promoted, by the Hon. George Poindexter, in his "Speech on the Seminole War," into "a British officer," successor to Captain Woodbine!] who, ignorant of the proximity of the American forces, in a canoe, with two negroes and an Indian, had approached the American lines to reconnoitre, when he was captured by the videttes on duty. He was properly secured in camp, and next morning a detachment was sent to seize his schooner, laden with arms, ammunition, and valuable stores, then lying in Wakassee Bay, at the mouth of the Suwanee."

This was the last incident properly included in this Seminole war. Jackson described it as "rather a war of movements, than of battles;" but not even this vain-glorious designation of three or four long marches; nor the creation of an Indian army, two thousand strong, by Monette, or Williams; nor yet their skill in arming St. Mark's Fort with "twenty pieces of heavy ordnance," can rescue this campaign from the reputation of having been nothing but a sanguinary border foray; in which a few hundred slaves who had fled from bondage, and Indians who had escaped an exterminating war, were hunted down amongst the woods and swamps where they had taken refuge, by nearly five thousand expert and well-appointed American riflemen. And were additional proof required, that this was its true character, it would be patent to every reader in the ludicrous and impotent effort to revive the old bugbear of British intrigues, and to represent these traders of New Providence as schemers from England.

On the other hand, waiving for the moment all remark on the violation of the Spanish territory, and the distinctly hostile act of the capture of a Spanish fortress; what ought to be said of this most inconsistent attack on the trade of a *neutral*,—for such must Arbuthnot have been? The circumstance of his having been an inconsiderable individual, and of his obtaining his wares from England, instead of the United States, does not justify such a proceeding. Nor could it be considered that the sale of fire-arms and ammunition, to a people who could live only by hunting, and who (as the event proved) would not have found the best weapons too much for their defence, was contraband,—the two governments of Spain and the United States being actually at peace.

But this was not the whole amount of the wrong done to these two merchant adventurers. On the 1st of May, Jackson caused them to be tried for

their lives by a court-martial,—Gaines, his subordinate, being president. Omitting all that was irrelevant, and without reciting what was put in as evidence against them,—most of it being of a kind, which really showed no more, than that they did not consider the way in which the Indians of the Southern States had been dealt with by the United States was right or good;—we may say, that the prisoners were found guilty of exciting the negroes and Indians to commit murders upon the people of the United States; supplying them with arms and ammunition for offensive operations; and acting as spies:—the facts being, that here, as in the North-west, the great incentive with the Indians to the commission of murder was the frequency of murderous attacks on them; and that the “offensive operations” were all prevented by the life and death defensive measures, forced on them by the exterminatory expedition of General Jackson. We must add, that granting the right of the General to try these men, there was as much evidence proving them innocent as there was showing them guilty.

Nevertheless, says Monette, “General Jackson determined not to interpose his authority between the guilty and their doom, and they were sentenced to die, Ambrister by shooting, and Arbuthnot by hanging. The execution of the sentence was speedily enforced.” Monette has here, we fear, wilfully concealed some material facts of the case; Ambrister was *finally* sentenced by the court to receive fifty lashes, and be confined with hard labour for a year, and Jackson insisted upon the execution of the *first* sentence given, which was, death; justifying it, in his accustomed manner, by “an established principle in the law of nations,” (as he called it,) which Hildreth observes, “would have justified the British in hanging La Fayette and Kosciusko, had they been taken prisoners in the war of the Revolution.”

An annalist of these times, whom we have often quoted, says, that “the incidents of the Seminole Indian hunt, which has been dignified with the name of war, in a military point of view are of little consequence, and unworthy of a minute detail, in a general history of the times.” It is veritably so, we must confess; yet considering that this wretched “hunt” *was* called a war, and that it aided in procuring for General Jackson the *éclat* which raised him to the Presidency, both as displaying the character of the man and of the people, it is not unworthy of such detail as we have afforded it.

Jackson, victorious in East Florida, where he had slain about sixty of the enemy, and burnt seven hundred huts, shot one Indian trader, hung another, and also two Indians, captured by stratagem, and lost twenty of his allied Creeks; now marched against Pensacola; where, as usual, the Indians had been sheltered by the Spanish authorities,—perhaps, because they were attacked by the Americans on Spanish ground. The governor of the place protested against the invasion of the province, and vowed he would resist. But as this did not stay the advance of the Tennessee warrior, he retired to the fort at the Barancas, and left Pensacola undefended, for Jackson to take possession of without a blow. Three days later, the army marched to the Barancas, raised a breast-work in the night, exchanged a few shots with the

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fortress, which capitulated, and the garrison was allowed to go to Havana. The whole of Florida was thus occupied by Jackson's troops; and that, not only without orders, but in *exact opposition* to the orders he had received from his government.

Clay and his party, with the lovers of peace and order generally, both in Congress and the country, were both dismayed and indignant at the course adopted by Jackson. It was forbidden by the Constitution to the *States*, individually, to make war; but here was an individual *person*, on the ground of a mere generalship, waging war upon an ally of the Union, capturing his fortified posts, expelling his soldiers, and executing with the forms of a military trial, neutral traders found in his dominions! It boded ill, not for the Constitution, but for the country, that such things could be. Still more ominous was the circumstance that the most numerous and zealous section of the Democratic party proclaimed its attachment to the General more loudly than ever, the State legislatures idolized him, a majority in the Legislature of the nation commended him for setting himself up above the law, and the Executive and his Cabinet (overborne, it is said, by John Quincy Adams!) thanked him for usurping their constitutional functions!

Much account was made of the fact that the British government did not exact any reparation for the execution of Arbuthnot and Ambrister. But it must not be forgotten, that where the proof of sufferers from such outrages being British subjects is perfectly clear, that government seldom exerts itself very energetically in defence or vindication of them; and therefore, we need not be surprised that where the question of citizenship was by no means satisfactorily made out, neither Ministry, nor Parliament, nor Press should insist upon an explanation. Manifestly, *this* does not justify Jackson's illegal conduct.

"The Mississippi State Gazette," relating, at the very time, the story of the war, in the midst of a paragraph applauding him, and ascribing to this "most extraordinary person that has ever appeared in our history," the possession and the exercise of almost every virtue under heaven, attributed the "extraordinary cast of vigour," which was said (most truly) to characterize him, to his "being always among a people who regard the application of force, *not* as the *ultima ratio regum*, but as the *first* resort of individuals who look upon courage as the greatest of human attributes." This opinion deserves the gravest consideration. There is a candour and straightforwardness in the expression of it, which removes it quite from the category of ordinary newspaper articles. It explains much that else is most anomalous in the history of the United States. But what a prophecy does it involve! Happily, not even in the darkest and most ferocious ages, could there be more than here and there a man,—and he, indeed, *l'ennemi du genre humain*,—who was able so to "regard force," as this unscrupulous admirer of General Jackson declares the great-minded "Tennesseeans" always do. This would not be *Earth*, but another scene of existence altogether, could Power be thus revered universally here. To what extent Jackson understood his privileges, and actu-



ally made "the last resort of kings," the *first* that a Republican turned to, we may understand from the following episode to this Floridian business.

Georgia had a governor when Jackson began his "Seminole hunt," named Mitchell. He, when the General ascribed "the war" to Arbuthnot and Ambrister, (on the proverbial "Tenterden-steeple" principle,) boldly declared that the violence employed by Gaines in evicting the Creeks, and the murders committed on their people, were the true causes. To him, of course, few gave heed. He was succeeded by one Rabun, a man too closely resembling Jackson,—as it proved. Whilst the "hunt" in Florida was up, some depredations were committed (so it was alleged,) by some Indians left in the rear by the invaders of the Spanish province; and Rabun charged one Captain Wright to inflict summary punishment on the offenders. He, nothing loth to distinguish himself in such a business, hearing that the chiefs of the depredators were in a town belonging to some of Jackson's allied Creeks,—the Chehaw town, went thither, "and executed his orders with exemplary severity on the unarmed and unoffending inhabitants." The United States agent, to whom the survivors made complaint, ordered the reparation of their losses, and the punishment of the officer under whose orders the outrage was committed; but he had no power to enforce his sentence.

Part of Jackson's forces, in consequence of this wanton raid, found themselves wholly without supplies; and the General thereupon waxed furious, and despatched a letter to the governor, in which he took him to task in no measured style, for presuming to act *en militaire*, "while I am in the field!" And he ordered Captain Wright to be "arrested and confined in irons." But Rabun scorned the notion of submitting to such an upstart "military despotism:" Wright was released by the civil authorities of the State, and then arrested by the governor's order; all which was related to the imperious General. The President, in the end, directed the trial of the offender for murder before the Circuit Court; but Wright broke his parole,—for even Rabun treated him as a military criminal,—and fled from the country; and the Federal government compensated the Chehaws, whilst the State legislature indorsed the whole of the governor's proceedings by a special resolution.

What protests the Spanish ambassador presented at Washington, and how the good John Quincy Adams was obliged to wink hard, whilst he justified the deeds of the too faithful officer in the South, all men can conceive. The only practical acknowledgment of being wrong, however, was the offer to restore the fortresses, which Jackson had taken, as soon as Spain would garrison them strongly enough to keep the Indians round them in becoming subordination. And meanwhile, both parties pushed on the negotiations, which were even now proceeding, for the transfer of Florida to the United States, and the discharge of all the indemnities claimed by the latter government, thereby. Spain very reasonably required an apology for Jackson's unauthorized acts of hostility; but it was the Texas boundary that occasioned the greatest difficulty.

We must hasten to the conclusion of this affair, which has too long de-

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tained us. The treaty by which Florida was definitively added to the United States, was signed by the Spanish ambassador, and by John Quincy Adams, on the 22nd of February, 1819; but it was not ratified by Spain until the 24th of October, 1820; and the contest regarding it, in the United States, did not even then terminate. The claims of American merchants for compensation from Spain, were reckoned at five millions of dollars; and this sum the United States government agreed to pay to them, receiving Florida, East and West, in return for it. But the North was strongly opposed to such an enhancement of the strength and authority of the Slave States; and Monroe felt constrained, in order to carry the ratification of the treaty, to renounce, for a time, the claims which he had inherited from Jefferson, to the whole, or greater part, of Texas. Having thus "dismembered Louisiana," as was said afterwards, when Texas and its annexation to the Union became a question for the decision of Congress, the Senate agreed to the ratification of the Florida treaty, which was finally made law on the 22nd of February, 1821. Perhaps the admission that the western limits of the United States was the Pacific Ocean, was at that time of as much importance as the acquisition of Florida.

Nothing remains but to intimate that, though not very prominently, this relinquishment of the claim on Texas occasioned great agitation in the political circles in the United States. Senator Benton asserts, that "the inside view" is, "that all this was the work of Southern men, candidates for the Presidency, some in abeyance, some *in presenti*, and all yielding to that repugnance to territorial aggrandizement and slavery extension in the Southwest, which Mr. Monroe mentioned in his letter to General Jackson, as the 'internal difficulty,' which occasioned the cession of Texas to Spain."

The feeling of the country and the expectations of the politicians varied continually during the tedious course of this negotiation. The foreign committee of the House once went so far as to recommend the seizure of Florida; and it does not appear to have been rebuked for its filibustering spirit. All this while Clay persevered with his scheme of recognising and entering into diplomatic relations with the Spanish-American republics; and he had the satisfaction of seeing first the President himself, and then the Legislature by his side, convinced, as it seems, far more by the want of good faith in the conduct of Spain, than by his arguments. Quincy Adams, Secretary of State, was the last to be convinced. "He had," says his biographer, Seward, "many and serious doubts, whether the people of the South American provinces were capable of originating and maintaining an enlightened self-government. There was a lack of general intelligence among the people,—a want of an enlarged and enlightened understanding of the principles of rational freedom,—which led him to apprehend that their attempts at self-government would, for a long season at least, result in the reign of faction and anarchy, rather than true republican principles."

In order to afford an illustration of the manner in which a small matter can be magnified and adorned, so as to be a very great one, to those who support

the leader concerned in it; we will leave the narrative of Clay's final triumph on this question to Calvin Colton, the admiring expounder of the "Life and Times" of that statesman.

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"On the 8th of March, 1822," says he, "the President, by a special Message to Congress, recommended the recognition of South American Independence; and on the 28th of the same month, the measure was carried in the House of Representatives, with but ONE DISSIDENT VOICE!—a moral victory, after a struggle of years, achieved by a single arm,—a victory, the equal of which is rarely to be found in the annals of political society,—a victory of vast and inconceivable social results, in its checks on despotism, and for the furtherance of liberty."

Such was the first effort made by the United States as propagandists of political freedom, or in the way of fraternizing with communities struggling to obtain it. It led the government only indirectly into connexion with the state-system of Europe, but the experience was not thrown away, as the next effort in that direction showed.

America as well as Europe heard of the insurrection of the Greeks with the liveliest interest, and sympathized with the insurgents, as the liberal party in every civilized country of the Old World did. "The Senate of Messenia," the first national convention summoned after the commencement of the revolution, addressed an appeal to the United States, as well as to the courts of Europe, imploring help, the moment it was organized. But it was not till 1823 that much was actually done to assist the new Hellenes. Britain had "pronounced" then; and that could not fail to promote the decision of the great western republic,—the only one, indeed, to which Greece could turn for encouragement in its daring attempt. So high did the philhellenic sentiment rise, that in the annual Message to Congress, Monroe noted its existence and its warmth, and seemed to hint that the Legislature might, if it would, take public notice of it also.

Without informing us precisely at what stage in the affair, Seward gives us a glowing picture of the enthusiasm which prevailed in favour of these last martyrs of liberty. "Public meetings were held," "resolutions passed," and "contributions taken." "Money, clothing, provisions, arms, were collected in immense quantities and shipped to Greece. In churches, colleges, academies, and schools,—at the theatres, museums, and other places of amusement and public resort,—aid was freely and generously given in behalf of the struggling patriots. Many citizens of the United States," not singular in this, for England, France, Germany, and other countries had done likewise; went as volunteers, not adventurers, to shed their own blood, if needed, for the emancipation of the ancient home of Liberty.

Daniel Webster, in the House of Representatives, uttered the response to the President's suggestion, and in the beginning of the year 1824, carried a resolution, modelled upon that which Clay had proposed, session after session, in favour of the recognition of the Spanish-American republics. This form of giving expression to the national sympathy is more than ques-



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tionable. And remembering that both Webster and Clay (who supported his proposition,) were now amongst the most eminent statesmen of America, we regard this failure to discuss and suggest the fitting measure in relation to this subject, as indicative of one principal cause of each having allotted to him but a second-rate part in public affairs. For the desire to commit "the United States" to a course, which, to be logical and self-consistent, must not stop short of alliance offensive and defensive with an insurrection, betrays either too much openness to impulses from without, or too great a desire to be found at all times moving in the direction of the popular breeze. A great majority negatived the resolution, on the ground of the "inexpediency." Yet, considered as a reflex of the general feeling, and as a stimulus to it, at the same time, Webster's grand speech (which is much altered and toned down in the version given in his "Works,") was by no means wasted.

Directly in contradiction to these ambitious attempts to take part in European politics, stands the design of the American Congress at Panama; which we may properly speak of here.

In the year 1823, Bolivar, at that time President of Columbia, invited the governments of the provinces which had thrown off the Spanish yoke, to join in a general Congress at Panama; and some steps were taken to effect it, but without success. At the end of the next year, the invitation was renewed, and all the governments accepted it, excepting Buenos Ayres. Next spring, the government of the United States was invited to send representatives to Panama, and John Quincy Adams replied, that although the United States would take no part in the war with Spain, or in deliberating on the manner or means of carrying it on, he believed that such a Congress might be serviceable, by giving authority to some important principles of public law, arranging matters of great interest to the whole of the New World, and promoting a friendly intercourse between the various republican governments which had been formed here.

The most pressing object of the contemplated Congress was the consideration of matters of interest to the belligerents exclusively. And in subordination to this, all questions of international law were to be discussed; and it was proposed by the Spanish American republics, to prevent further colonization in America by any of the European powers. Governor Seward says, that this Congress "has been believed by some to have been called, for the purpose of opposing a supposed project, entertained by the Allied Powers of Europe, of combining for the purpose of reducing the American Republics to their former condition of European vassalage. Be this as it may, the Panama Congress, among its objects, aimed at the cementing of the friendly relations of all the independent States of America, and the forming of a kind of mutual council, to act as an umpire to settle the differences which might arise between them."

In his first Message to Congress, the President thus reported his reception of Bolivar's proposal. "The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliber-

ations, and to take part in them, so far as may be compatible with that neutrality, from which it is neither our intention, nor the desire of the other American states, that we should depart." This announcement was followed by the nomination of Richard C. Anderson and John Sergeant as commissioners to the Congress, and William B. Rochester as secretary. The Senate, after a long discussion of the expediency of taking part in this Congress, in the course of which the members of the Opposition attacked the Administration in the most rancorous manner,—it was out of this debate that the duel between Clay and Randolph sprang,—approved the nomination of the commissioners. In the House of Representatives, also, the subject was fully discussed; but greater decorum was manifested by the Opposition. In the end, however, the necessary appropriation was voted,—the arguments and oratory of Daniel Webster proving unanswerable.

The great heat which was evinced upon this affair, arose entirely from the party-spirit with which it was taken up; the proposal itself involving not one of the matters which the Opposition professedly contended against, as contained or implied in it. Benton's praise of the "firmness of the minority" in behalf of "the old United States' policy," and against the "Monroe doctrine," is therefore baseless. But most remarkably it happened, that no representative from the United States ever appeared at that Congress. For the debates in the House of Representatives were so protracted, that it was impossible for Sergeant to reach Panama in time for the meeting; although it had been postponed from October, 1825, to Midsummer, in the year following. Anderson, who was minister at Colombia, as soon as he received his instructions, set out for Panama; but on reaching Carthagena, he was attacked by a malignant fever, and died. Poinsett, the ambassador at Mexico, was then appointed in his place, and he with Sergeant immediately prepared to be present, when the Congress should reassemble in February, 1827, at Tacubaya. It did not, however, meet at the appointed time; and Sergeant, therefore, returned to the United States. This project was never afterwards revived; the internal troubles of the South American republics, and the strong suspicions which were entertained respecting the designs of some of their leaders, occupying the attention of those who were most interested in such a scheme.

On the last day of John Quincy Adams's tenure of power, in compliance with a vote of Congress, copies of the instructions given to the commissioners to Panama were supplied to both the Houses; and after a time, but without legislative sanction, were published. It does not appear, in the least, to justify either the hopes of those who were in favour of this Congress, or the fears of those who were opposed to it. Few more futile expectations, surely, could ever have been entertained, than such as we find expressed in these "instructions." From an assembly of such delegates as the South American republics could furnish, the enunciation that "free ships should make free goods," either in that, or in the "more liberal and extensive" form,—that "war against private property and non-combatants upon the ocean" should

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be abolished,—or “a definition of blockade,” which Adams desired, would scarcely be accepted by the powers whom the United States might most wish to receive them;—nay, they would not be accepted even by the citizens of the United States themselves, if the experience of the last war, and of the unauthorized expeditions undertaken since the war, might be regarded as indications. And if their decisions should not be accepted voluntarily, it might reasonably be asked, of what use they could possibly be,—for how could they be enforced?

It is worthy of remark, that in this document the future disposal of “Cuba and Porto Rico, the former especially,” is discussed. “For ourselves,” it says, “we desire no change in the possession, or political condition, of that island; and we could not with indifference see it transferred from Spain to any other European power. We are unwilling to see its transfer, or annexation, to either of the new American States.” In which we see, as plainly as in Jefferson’s letter to Adams’ predecessor, a craving for the annexation of Cuba to the United States, worthy of “the Order of the Lone Star,” itself.

With these new sister states, the relations of the United States were not always pacific. The old controversy respecting blockades, (formerly carried on with Great Britain,) was revived by a proceeding of the Emperor of Brazil, who, in the course of his war against Buenos Ayres, had blockaded the mouth of the Rio de la Plata. The United States trading vessels were, of course, excluded; but as the Brazilian navy was not of first-rate efficiency, the harbour was often closed in name alone, and the traders from the North, allured by the prospect of enhanced profits, would run the risk of capture by breaking the blockade. Captures were consequently made, and vessels were detained on the high seas, because they were destined to the blockaded port; and an angry discussion ensued between the American ambassador at the Brazilian coast and the minister of Foreign Affairs there. At first the government of the new empire gave way, for the ambassador was supported by the presence of a naval force; but afterwards, some new captures having been made, in spite of all the engagements entered into to the contrary, the envoy abruptly left his station.

This unauthorized step threatened to embarrass the negotiation very seriously; for the Executive was unable to follow it up, without the sanction of Congress, had it been justifiable; and it seemed not to be justified by the emergency of the case, for the Brazilian government preserved a mild and conciliatory tone, and the only real ground of complaint was the delay in adjudicating respecting the captures. Happily for the United States, the Emperor hastened by a special messenger to assure the government of indemnity for all illegal captures, and redress for all injuries sustained by citizens of the States, from his measures. Whereupon, diplomatic intercourse was renewed.

How General Jackson invested himself with power, both Legislative and Executive, and made war against Spain upon his own authority alone,—and was almost universally applauded for the deed,—we have above shown. Now



we have seen an ambassador assuming similar functions; and barely escaping the implication of his government in hostile relations with the country, to which he had been sent with pacific intent. One more example of the inconveniences arising from this mode of interpreting the sovereignty of the people, we must now present to our readers; which also deserves notice, as illustrating the meaning of the Jacksonian Opposition in certain expositions of the powers of the Federal government, which they were in the habit of insisting on most strenuously.

It was in the winter of 1826-7, that Senator Benton addressed a letter to the Mexican minister at Washington, claiming indemnity for certain traders from St. Louis, who had been plundered by Indians in the territory of Mexico. Benton appears to have regarded himself as entitled to constitute himself Minister of Foreign Affairs for Missouri, because he represented the government of that State in Congress. And the ambassador, who knew that all treaties with other powers were submitted to the Senate for ratification, supposed that the proceeding was perfectly regular. So a correspondence was opened, and some letters were exchanged before the ambassador discovered that there was not the least necessity for his taking notice of the communications of the officious Senator.

Several matters, interesting in themselves, we are compelled to pass by without notice;—of Decoudray's attempt to seize Porto Rico, with a small armament fitted out at New York, and his failure, and execution, we can only note that such things occurred; and this chiefly because we have heard, more recently, of similar things;—Commodore Porter's case requires a little fuller record.

During the contest between Spain and her revolted provinces, in consequence of the weakness and poverty of both sides, every species of atrocity was resorted to, and piracy, under the name of privateering, (as we have seen,) was eagerly pursued. The northern coast of Cuba was the chief haunt of the buccaneers, and Congress caused a part of the fleet to be stationed in those seas, for the protection of American commerce, which had suffered greatly from the attacks of these corsairs. In 1823, Commodore Porter, once of the *Essex*,—whose exploits in the Pacific, and violation of his parole, we have narrated in an account of the last war,—was appointed to the command of this squadron. His vigorous measures speedily freed the navigation of those seas from such dangers; but it was at a great sacrifice of life, principally in consequence of the yellow fever. The incidents do not properly belong to a general history,—the daring, the peril, the successes achieved without much regard to form, and all that characterizes services of this kind, are of too special a nature. And yet, they are not so greatly unlike the regular naval service under the United States' flag.

Porter at last, having barely escaped death from yellow fever himself, returned home; and as he had received no orders to do so, was ordered back immediately. There he acted with such imprudent energy against a town of Porto Rico, where one of his officers, who had gone on a perfectly unauthor-

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ized errand, had been insulted, that he was superseded; and being tried by a court-martial, was suspended for six months. Upon which he entered the Mexican service, although it was illegal, as to his own government, to do so, and was made commander-in-chief of the naval forces of Mexico. He afterwards treated the territory, &c. of the United States with as little ceremony as he had before treated the Spanish possessions; and showed himself a true sea-rover, as he had always done; but without much regard to law, or any thing else, indeed, except broadsides and boarders. The American government could scarcely complain of his proceedings; for when several of the pirates captured by his ships were brought to trial in the Federal Courts, and found guilty, "with aggravating circumstances," Monroe exercised the power intrusted to the Executive by the Constitution, and pardoned them! The alarm occasioned by this act of clemency, the reasons for which were never made known; and the severe reflections upon the President, which were indulged in consequence; need neither comment nor vindication.

We are thus compelled, once more, to note the fact, that whereas the Republican and Democratic leaders continually accused their political opponents of intending to overthrow the Constitution, they themselves, both individually and by their party measures, again and again in fact violated it; and all the while maintained that they only adhered to the literal and exact interpretation of it.

But we must turn from these subjects, to notice the relations of the United States with France and Great Britain. Yet, first, it is necessary to glance at a convention concluded with Russia, one article of which provided, that thereafter,—the date was April the 5th, 1824,—no establishments should be formed by citizens of the United States, or under the authority of the government of the Union, upon the northern, or rather north-western, coast of America, beyond 54° 40' N. lat.; nor any formed by Russian subjects, or under the authority of Russia, to the south of that parallel. It would seem, that the contracting powers both forgot the claims of Great Britain to that part of the American continent. And we shall see, that this forgetfulness was not without its consequences in the relations between Britain and the United States, in after years. How much the Americans have to thank the Old Country for not leaving their boundary in this quarter conterminous with that of Russia,—a power as profoundly affected with the rage for "annexing" the adjacent provinces of neighbouring countries as the United States,—the present war in Europe [1854] will show. This was not, however, known so well in the days of "the Oregon question."

The relations of the government of the United States with France at this time, were of a kind to suggest obstinate suspicions respecting the genuineness of the high-flown chivalry of their earlier intercourse. The jealousy exhibited by the ministry of Charles X. at the honours paid to La Fayette, when he visited America, we may leave unnoticed. They were directed against him, rather than America; because he was the symbol of the revolutionary spirit, which had once overthrown the French monarchy, and guillotined

the king, and was now giving ominous signs of revival; and they only showed the utter incapacity of both the sovereign and his councillors to comprehend or to secure their position.

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Foremost amongst the matters about which ambassadors and Secretaries of State now corresponded, was what was called, "the Beaumarchais claim." Dating from that "golden age," (—"age of paper," the most original of modern historians calls it,) preceding the Revolution; when *Philosophism* reigned triumphant at Paris, and the most absolute of monarchs and most profligate of courts were smitten with a rage for "liberty" and enlightenment,—this business of Beaumarchais had now become a mere nuisance to men. "Orpheus of the *Théâtre Français*," on the ground of his "*Mariage de Figaro*," in 1784; before that, "vanquisher of Maupeou Parlements and Goetzman hell-dogs;" afterwards, barely escaping the keen edge of popular vengeance in "the September;" and at last, dying without being able to demonstrate his patriotism, or recover his losses in that unfortunate Dutch-musket speculation; the world might surely have been spared further trouble about Caron *de* Beaumarchais and his claims. In a case like this, where it is certain that profit enough was made;—and not certain, that arms and *matériel* of war supplied from the royal arsenals of France were not charged to the American people; nor that some million of livres, known to have been furnished by the French minister, for the express purpose of paying for some of the stores, were ever brought to account;—some "statute of limitations" ought to have been acknowledged, and two governments like these not allowed to scandalize the world by the discussion of such a doubtful and obsolete "claim."

Additional vitality seems to have been imparted to this thing, by the association of it with another business of the same kind. We saw how France, through the whole period of the war, treated her patient and too grateful ally, the United States. John Adams alone resisted her exorbitant demands, and obtained a promise of indemnification for wrongs done to American commerce, in a way becoming the Executive of a nation which knew how to respect itself. Great Britain had always, before as well as after the war of 1812, fulfilled all such stipulations; France, whatever its form of government,—directory, consulate, empire, monarchy,—never had. And now, after the matter had been debated for nearly a quarter of a century, these tangible and never disputed claims were met by—this everlasting "Beaumarchais claim," and another, arising (so the French government alleged) under the Louisiana Treaty.

This treaty had provided, as we remember, for the admission of the ships of both France and Spain into the ports of Louisiana, for twelve years, on the same conditions, in respect of charges, as American vessels entered; and that afterwards the ships of France should enter those ports on the footing of the most favoured nation. But in 1820, the United States proposed to all nations with whom they traded, reciprocally to admit each other's vessels, when laden with the produce of the country they belonged to, on the same terms as vessels belonging to the country entered. Great Britain, as we shall



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see, accepted the proposal as far as her home possessions were concerned ; and France alone rejected it, claiming to be placed on this footing, in the ports of Louisiana, without the reciprocal engagement. And as far as treaties and words could justify her, the Louisiana treaty, by its eighth article, justified her. The United States' government took a different view, "and a commercial warfare of countervailing and prohibiting duties commenced, which, for a time, nearly suspended the direct intercourse between the two countries." "After a discussion of some length," we are glad to read in conclusion, notwithstanding an attempt at smuggling through Florida, and new "correspondence" respecting it, "the claims were abandoned, and a commercial convention formed on terms of reciprocity." It was not, however, till a later year than we have yet reached ; in fact, not till Jackson was President, and young *Egalité* "first king of the French ;" counterclaims were finally adjusted, and "spoliations," "Louisiana treaty," and "Beaumar-chais," by that ever-blessed "reciprocity," got safely hushed to rest.

With regard to Great Britain, the policy of one like Monroe, governed merely by tradition, and of Quincy Adams, who (according to his own statement in his inaugural Address) merely followed in the "Washington-Monroe" track, could not be doubtful. Adams' last act, as ambassador at London, from which post he was recalled to be Secretary of State, was the signature of a convention, by which the question of the armed force to be maintained by each power upon the lakes was settled ; but all the other matters in dispute were left as undetermined as ever. The promise of friendliness given hereby was, however, speedily and rudely broken ; and near the close of the first subsequent session of Congress, an Act was passed prohibiting the entrance, into the ports of the United States, of any British vessel coming direct from the ports of any colony of Great Britain, from which American vessels were excluded. This was called a "retaliatory act," and it was extended at a subsequent session, so as to include all places in British America and the West Indies. It was intended to compel Great Britain to accept the terms of a commercial treaty, dictated by the United States : but it necessarily failed to produce the desired effect. For, not only was it merely a voluntary diminution of the trade of the United States, and therefore could not much concern Britain ; but it was a contest, in which the weaker was endeavouring to coerce the stronger ;—and, as we have shown before, America not only demanded the privileges of British colonies, after she had thrown off her dependence upon Britain, but also required valuable commercial advantages from her antagonist, for which she had not the least pretence of an equivalent (as *both* esteemed it) to offer. But it was an unwise and unworthy contest, as to the spirit and the objects aimed at, on both sides.

Meantime, the commissioners appointed under the treaty of Ghent were prosecuting their negotiations ; and soon a few more points were held to be settled, and another convention recorded them as law. The commercial convention was prolonged for ten years from October, 1818 ; the northern boundary of the States, or rather of their Louisiana purchase, was fixed at the forty-

ninth parallel of north latitude, between the Lake of the Woods and the Rocky Mountains; to the west of that chain, the Oregon territory was to be jointly occupied for the next ten years; nothing could yet be determined respecting the north-east boundary, but it was agreed that the possession of the islands in Passamaquoddy Bay should be as it was before the war; and the boundary line along the lakes and the St. Lawrence was nearly completed. The stringent regulations respecting the fisheries in the British waters in North America were somewhat relaxed; but vessels of the United States were not allowed to fish within three miles of the shore. As to the "deported slaves," the commissioners could come to no conclusion; and an arbitration being agreed to, the Czar of Russia was chosen as arbitrator; who, being a larger slave-holder than all the Slave States, decided in favour of the American claim, which was in 1827 fully discharged. The subject of impressment was not noticed in this convention; showing either that America had not been so victorious in the second war, as was alleged, or else that her negotiators were not greatly in earnest on that head.

Neither was any change made in respect of the trade with the West Indies; as yet, "retaliation" and negotiation alike failed to accomplish that. In the United States themselves, there was a strong party opposed to the "retaliatory" policy,—the Southern or agricultural Democrats; who had produce to export, but no shipping. In the first session of the seventeenth Congress, "the President was authorized by statute to declare the ports of the United States open to British vessels from the colonies, on satisfactory evidence being given that the ports in the British West Indies have been opened to the vessels of the United States." That invitation was so far responded to by the British Parliament, that in the next session certain sections of the prohibitory Act were suspended, "and the ports of the United States were declared open to British vessels from the ports in the British colonies and West India islands named in the Act." But the removal of the restrictions by Parliament and Congress, too, was so insufficient, and the manner of doing it evinced so little good faith, that it could not be conclusive, nor lead to a safe and honourable conclusion.

Accordingly, we find the negotiations continued without bringing the parties even to an approximation to accord. The demands of the United States were still the same that had been vainly urged through so many years; the designs of Great Britain had undergone no change. Had America contended for a principle in regard to trade, not only might the immediate result have been vastly different, but Great Britain might all the sooner have attained the convictions on Free Trade, which in late years have been embodied in her legislation. But then and (we must regretfully add) now, the Free Trade demanded by the United States, was freedom to participate in the British colonial trade, without being able to offer any compensating advantage to Great Britain.

Happily, we are not required to trace the course of economical and legislative blunders committed by Great Britain at this time, for the sake, as she

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thought, of retaining undivided possession of the trade with her colonies; neither need we unfold the injury inflicted upon those colonies by means of these mistakes. The "Annual Register" thus sketches the series of movements up to this time. "American vessels had been excluded from the colonial trade. This produced, on our part, the discriminating tonnage duty, and finally our own ports were shut against British vessels coming from the colonies. The northern colonies were then thrown open, in order to secure the greater share of the transportation by the indirect route. This caused a prohibition of any British colonial produce, except directly imported from the place of its growth. The colonial ports were then opened to American vessels, but they were confined to the direct trade. Our ports were opened to British vessels from the colonies, and they also were confined to the direct trade. The duty in favour of produce from the northern colonies was met by a continuance of the discriminating tonnage duty."

In July, 1826, appeared an Order in Council, once more closing the colonial ports against vessels of the United States, unless the conditions of one of the navigation Acts of the preceding year were complied with. And a warm and fruitless correspondence ensued between Gallatin, who now represented the United States at London, and Mr. Canning. Congress, also fruitlessly, discussed the whole question at the following session. John Adams, therefore, by virtue of the powers vested in the President by an Act passed in the time of his predecessor's Administration, on the 17th of March, 1827, proclaimed the closing of the United States' ports against vessels from the British colonies.

Neither government, during the remainder of the period now under review, would take any step, either by negotiation or legislation, to terminate this state of things. The American tariff laws, and particularly that of 1828, directed as it manifestly was at the trade with Britain; and the way in which the enhanced duty on woollens was met, there; added to the irritation in both countries;—and discussions about the right to navigate the St. Lawrence, and respecting the fortification of the frontier line of the Canadas, which was ordered by the British government, greatly aggravated that unfriendly feeling. Yet Adams, in his last Message, thus hopefully spoke:

"The conclusion of our last treaty of peace with Great Britain was shortly afterwards followed by a commercial convention, placing the direct intercourse between the two countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much further extended, by treaties with France, Sweden, Denmark, the Hanseatic Cities, and Prussia, in Europe, and with the republics of Colombia and of Central America in this hemisphere. The mutual abolition of discriminating duties and charges, upon the navigation and commercial intercourse between the parties, is the general maxim which characterizes them all. There is reason to expect that it will, at no distant period, be adopted by other nations, both of Europe and America; and to hope that, by its universal prevalence, one of the fruitful sources of wars of commercial competition will be extinguished."



Macgregor says, in his great work on "Commercial Tariffs," published in 1846,—“We are convinced that it would be for the interest of both nations to place the trade of every port in the United States, and every port of the British Empire, for the ships of both countries, upon the footing of an unrestricted coasting trade. There is no one could deny the immense increase of the carrying trade, which, under a liberal tariff, would follow. The shipping of both countries, instead of being injured, would benefit by such a truly great measure. If the countries constituting the United States had continued to this day British possessions, this would have been the present state of the trade and navigation between these countries and every other part of the British Empire. To deny this would be the same as saying it would be wise commercial policy to place the navigation between the different ports of the United Kingdom, and those of British America and the West and East Indies, upon the same footing as the laws of trade and navigation with foreign ports.” These illustrations demonstrate the unsoundness of the system still maintained in the United States, and, till lately, by Great Britain also; and at the same time point out the true policy for securing national strength and international confidence, and dispose of all real objections to it. We can now perceive, that whilst both nations, judged by wise commercial principles, have been wrong; the United States have added to that first error another and worse mistake—that of being wrong when judged even by their own fallacious fiscal principles.

Gallatin, although he failed in this embittered colonial controversy, succeeded in negotiating some other conventions; of which more would have been thought, had it not been that the West India trade was not opened. He finally arranged respecting the indemnification of the claims for the “deported negroes,” which had been awarded to the United States, as we said, by the Czar, and that, as Senator Benton (not an impartial writer on a matter touching negro slavery,) observes, by two distinct decisions. He also renewed the commercial convention of 1815, for another term of ten years; and for the same period, arranged that the Oregon territory should continue in the joint occupation of the Americans and the British.

Of the tariffs and other laws relating to commerce, and to the foreign relations of the Union generally, enacted under these two Administrations, we must now briefly speak; referring our readers, for further particulars, to the preceding chapters of the present Book.

Clay’s “American system,” wittingly or otherwise, was acted upon in the course of the first session of Congress under Monroe’s Presidency; when the duties on certain manufactures were increased, ostensibly for the sake of revenue, but really for the purpose of excluding such as were from foreign countries, and forcing the consumption of home-made goods. Woollens were the articles most regarded in this new tariff; and the politicians of the United States believed, that in the numerous failures amongst the manufacturers in America, they saw the result of insufficient “protection,” instead of insufficient skill, or capital.

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Smaller bills, on the commercial affairs of the country, were carried at the following session. The first session of the sixteenth Congress saw another protection tariff Act passed by the House, but rejected by the Senate. "Great disappointment was felt by the manufacturers at this result, the pressure and pecuniary distress at the time being great. The heavy importations of foreign manufactures tended to depress prices, and to ruin those engaged in manufactures in the United States." So says one historian of the Administration of Monroe: and he adds; "the currency was also in a deranged state." Daniel Webster regarded these facts, standing here without any closer relation intimated than that of sequence of time, as related to each other in the way of cause and effect. "Before we invent," said he, a few years later, of one of these protection tariff Acts, "before we invent new modes of raising prices, let us take care that existing prices are not rendered wholly unavailable, by making them capable of being paid in depreciated paper. I regard the issue of irredeemable paper as the most prominent and deplorable cause of whatever pressure still exists in the country." Without agreeing entirely with him, we yet regard this as a domestic, not as a foreign question,—and the remedy, we think, must be looked for, not in tariffs, to restrict importations from other countries, but in such regulations as will give fresh scope to native industry, and greatest security for the outlay of capital.

Passing over without mention several abortive attempts to enhance the duties on imports, for protection, not revenue; we notice an Act of the first session of the eighteenth Congress, by which another advance was made in "the American system." "The country," one of Clay's biographers avers, "was ripe for ruin or rescue. It was impossible that the evils of the past should be longer endured. The tariff of 1816 had utterly failed to protect the great interests of the country." One would have thought, that had the *country* so imperatively required this relief, it could have accomplished it easily. It was only needful that home productions should in every case be preferred to those of British manufacture. That the country did not thus act can be accounted for solely by this,—that the relief was demanded by a class, merely, and that the country did not perceive anything evil in what the manufacturers clamoured against. The remedy, which Clay vaunted as "American," was entirely sectional,—it consisted in requiring the country to pay full value, or rather more, for the goods in question, and to throw a certain per-centage additional into the sea;—as the accomplished author of "the Catechism of the Corn Laws" would say. The speeches of Henry Clay at this time are literally a tissue of economical sophisms; but in this he was not singular; both in the United States and in Great Britain it was held to be necessary to adopt Jefferson's "Chinese policy" to some extent, if the country were to grow in real wealth. The opposition of the South to this policy arose from no clearer perception of the true principle of trade; and Daniel Webster threw suspicion upon his own statesmanship, by qualifying his assertion of free-trade in opposition to Clay.

Most remarkable of all the grounds for the narrow policy, called "Ameri-

can" by Henry Clay, is the continually implied possibility of war with Great Britain. And Colton expounds his hero's views, with sufficient candour, thus;—"It is obvious, that, with a constant liability to war with that power, sound national policy would dictate the encouragement of those arts, ["the useful mechanic and manufacturing arts," in which the nation that excels, "other things being equal, will excel in strength, and maintain a superiority;"] *even at expense and sacrifice*, which so rapidly augment national strength." "The tariff of 1824," according to the same writer, in a subsequent paragraph, "brought relief and prosperity, which continued till the Jackson regime broke it, all down again." So little, however, was this the case, that the one Act of John Quincy Adams' Administration, which shows conspicuous above all the rest, is the tariff of 1828. That Act, it is true, was a monstrous hybrid, and satisfied neither the followers of Clay nor the free-trade partisans; yet it indicates, none the less clearly, the condition of the country, as far as it was affected by the tariff of 1824, to be far removed from the "relief and prosperity" of which Clay's biographer speaks.

Two short extracts from Webster's great speech, during the tariff debates of 1824, we must be permitted to insert here. They will connect this subject with that of the shipping interest, which we had under review when we treated of the commercial relations of the Union with Great Britain.

"If any thing should strike us with astonishment," he says, "it is that the navigation of the United States should be able to sustain itself. Without any government protection whatever [no discriminating tonnage duty?] it goes abroad to challenge competition with the whole world; and in spite of all obstacles, it has yet been able to maintain eight hundred thousand tons in the employment of foreign trade. How, Sir, do the ship-owners and navigators accomplish this? How is it that they are able to meet, and in some measure overcome, universal competition? It is not, Sir, by protection and bounties; but by unwearied exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself. These causes alone enable American ships still to keep their element, and show the flag of their country in distant seas."

And again, speaking of the unfriendly aspect of Clay's tariff scheme towards his own New England shipping concerns, he says;—"There is no interest, in regard to which a stronger case for protection can be made out, than the navigating interest. [We should assuredly have entertained the exactly opposite conviction, in consequence of what Webster had just said. That interest, certainly, could take care of itself.] But what do we propose to do for it? Simply to burden and to tax it. It appears that the shipping interest pays, annually, more than half a million of dollars as duties on articles used in the construction of ships. We propose to add nearly, or quite, fifty *per cent.* to this amount. Let it be remembered, that our shipping employed in foreign commerce has, at this moment, not the shadow of government protection. [What then did that prohibition of British vessels from colonial ports from so much as entering the ports of the United States mean?]



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It goes abroad upon the wide sea to make its own way, and earn its own bread, in a professed competition with the whole world. Its resources are its own frugality, its own skill, its own enterprise. It hopes to succeed, if it shall succeed at all, not by extraordinary aid of government, but by patience, vigilance, and toil. This right arm of the nation's safety strengthens its own muscle by its own efforts, and by unwearied exertion in its own defence becomes strong for the defence of the country."

Governor Seward, in his *Life of John Quincy Adams*, lauds him for his attention to domestic manufactures, and by an easily intelligible error, states that he recommended the same to Congress in his Messages. The omission to do this, till his last Message, in fact, occasioned his adherents some perplexity. Seward concludes, without much philosophy, that this protective policy is wise, and directly tends "to promote national wealth and strength, and to render the Union truly independent of the fluctuations and vicissitudes of foreign countries."

A treaty of navigation and commerce with France was concluded in 1822, and ratified in the following year. But Adams illustrated his Administration by the formation of these serviceable and unentangling alliances. "More treaties were negotiated" in the four years of his Presidency, "than during the six and thirty years, through which the preceding Administrations had extended." Austria, Sweden, Denmark, the Hanseatic League, Prussia, Colombia, and Central America, entered into new connexions of amity, navigation, and commerce with the Union; and difficulties of long standing were satisfactorily disposed of, with the Netherlands and other European governments, and with Brazil. Great Britain was the glaring exception to this course of prosperous commercial diplomacy; yet there, as we have seen, the gloom was not entirely without some gleams of hope to enlighten it.

There remains but one other subject to be mentioned, and this we place here chiefly because it is so closely connected with the successful prosecution of commerce; but also because it furnishes another illustration of the real quality of that patronage of trade, which had been affected by the dominant party, from the time when Jefferson began to complain of British spoliations, and to excite the nation to war. In his first annual Message, Adams recommended the establishment of an Observatory, insisting upon the disgraceful fact that, whereas there were upwards of a hundred and thirty in Europe alone, there was not one in the entire continent of America. The navigators of the United States depended upon the astronomical observations of Europe; their own country afforded them no assistance of this kind, although it was of such vital concern to a commercial nation. Unfortunately the President couched his recommendation in phrases, more than usually euphuistic, and designated these Observatories, "light-houses in the skies." This afforded the Opposition a cheap means of rejecting the proposition; and it was laughed out of Congress by the party whose notions of maritime affairs seem to have been derived, exclusively, from the buccaneers of the Spanish Main. In due time, (for the suggestion was premature,) not only was a na-

tional Observatory set up; but scientific observers of the United States “returned light for light” to Europe, by communicating to her the invaluable notes of Lieutenant Maury upon Oceanic Currents, and by taking the lead in a combination for the purpose of verifying and extending the information he had obtained, respecting those natural agencies which are such powerful helps or hinderances to navigation.

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## CHAPTER IV.

NORTHERN OR FREE STATES.—STATES OF ILLINOIS AND MAINE.—TERRITORY OF MICHIGAN.—THE PRESIDENT’S TOUR.—INDIAN RELATIONS.—OREGON TERRITORY AND THE COLUMBIA.

WHILST the “chief talkers” at Washington were debating the progress of the Union in the way we have seen, the “chief workers,” scattered throughout the various States, were actually accomplishing it, in a manner that borders on the marvellous. We are conscious of a feeling of relief, as we turn from the misty region of theories of banking and protection, of tariffs and navigation laws, and all the other “theses” of Congressional debates, to the activity and bustle, to the ships, canals, ploughs, and machines, the banks and the merchandise of the North; particularly when it comes, as now, with so grand and well-nigh illimitable a back-ground, stretching beyond the mountains, over fertile Ohio, across the rolling prairies of Illinois and Wisconsin, along river and lake and mountain, to the great Pacific itself. For here, though too much of the reflex of all that battology still reaches us,—here, at least, we have reality. The peculiar character of these twelve years, in respect of the relation of the States to the Federal government, we have indicated by dividing this portion of our tale only into “North” and “South;”—what the features of the time were, in respect of matters strictly topical in interest, we now proceed to show.

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In the first session of Congress under Monroe, an Act was passed authorizing the Territory of Illinois to hold a convention for the purpose of framing a constitution, with a view to its immediate admission into the Union as an independent State. And in the summer of 1818, action was taken upon that authorization, and preparations were made for casting off the condition of political pupilage. The constitution adopted was formed, as we should expect, upon the model of that of the sister State of Indiana; the principal difference being, that the term of office for executive and senators alike, was fixed at four years, and half the senate going out every two years; for which

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period the representatives were elected. Though not a Slave State, the privileges of citizenship were restricted to *white* males above twenty years of age, residents in the State for six months before an election. The general assembly was to be convened every other year, regularly; the governor having power to assemble it at other times, if occasion should arise.

At the next session of Congress, on the 3rd of December, 1818, this constitution was approved by the Federal Legislature, and a new star, for Illinois, was added to the banner of the United States.

Missouri also, as we have related in an earlier chapter, was admitted to the Union during the period we are now treating of; but, as we have seen, contrary to the "compromise," which had fixed the northern boundary of the Slave States at the parallel of the junction of the Ohio with the Mississippi, the slave-holders contrived by another "compromise," (in its turn destined to fall before their audacious aggression,) to sever this State from the Northern section of the confederacy; and secure it as an advanced position, a detached fort, in the midst of their antagonists' lines. Of Missouri therefore we speak further in the next chapter.

One other State, to the north of "Mason and Dixon," was, however, admitted into the Federal Unity now,—Maine; and its introduction was, as our readers will remember, by the Southern statesmen, made conditional on the conversion of Missouri into a Slave State.

For a hundred and fifty years this, the north-eastern extremity of the United States' territory, had been under the jurisdiction of Massachusetts, as a sub-province first, and afterwards as an outlying district of its sovereignty. The inhabitants, whose commercial activity imparted to them as intense a love of independence, as could be found in the whole nation, again and again endeavoured to procure from Congress authority to make a constitution for themselves, and erect their tract into a separate State. We have noted, as we have proceeded, some of these efforts, and the failure of them.

Since the war, the subject had been mooted afresh, the aspect of the times appearing very strongly to favour the aspirations of the good men of Maine after self-government. Bordering upon the British provinces, and being brought into collision with the authorities of the Old Country by means of an unsettled boundary dispute, and their unadmitted claims to share the profits of the British fisheries, we are not surprised to learn that Democracy reigned there,—for mis-Anglicism, we know, was one most prolific source of strength to the Jeffersonian party. Massachusetts itself, farther removed from the border, less recently settled, and so in habits more closely resembling the Fatherland; connected with it, moreover, by the ties of a lucrative trade; was essentially and intensely Federalist. How constant a source of grief to the patriots of Maine this subjection to the "Anglomen" of Boston and "the Essex Junto" must be, the most indifferent of our readers can with sympathy conceive. Up to the time when war was declared by Madison, to secure his re-election to the Presidency, the Federalists had always strength enough to prevent or suppress the rising spirit of Maine. But during the war, Federal-



ism fell rapidly to decay: "the Hartford Convention" was its last struggle for life; and under the soporific influence of Monroe's Administration, with Clay for leader in the House of Representatives, it quietly died out. This was the opportunity Maine had been waiting for, and with happier omen it now renewed its demand for independence.

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But not only had Federalism ceased to be a living and operative political principle; Republicanism (or Jefferson's Democracy) had shared the same fate. Like the two leaders of the once opposing factions, Jefferson and John Adams, the spirit of both was growing old, and bade fair to expire at the same time. And in the interval, it was no longer by considerations such as had swayed the Federalists and their rivals, but by merely incidental and temporary ones, that political matters were ruled. Thus it happened, that when Maine put forward its undoubtedly just claims to be a distinct unit in the confederation, the question which was in the ascendant was Slavery; and Congress was in the thick of the fight over the Missouri business. It ought to have occasioned the politicians of Maine some astonishment, and at the same time imparted to them, and to others also, great instruction,—that they found the Northern States (which had been so Federalist) generally in favour of this claim, and the Southern States, (which had been Democratic, generally, like themselves,) opposed to it.

The legislature of Massachusetts, for to this State the suzerainty of Maine belonged, authorized the holding of a constituent convention, having first ascertained that the majority of the people of the district desired separation. And in the fall of 1819, a constitution, in its chief features closely resembling that of the mother State, was formed and adopted. By it, the right of voting was allowed to all men of one and twenty, excepting paupers, persons under guardianship, and Indians not taxed; resident in the State for three months. Money qualifications for holding offices were not admitted; and the maintenance of religion was thrown wholly upon the voluntary principle. The governor, senate, and representatives were all to be chosen annually, and by the people directly. Limits were set up for the numbers of the two houses, which were to be constituted as "the Legislature of Maine." A truly Democratic provision controlled the executive (whose mode of election and brief term of office ought to have sufficed,) by a council chosen, not by himself, but by the legislature.

Little debate occurred in the House of Representatives respecting the admission of Maine into the Union; but in the Senate, as has already been told, there was appended to the Bill a provision for the admission of Missouri. We will not repeat in this place the story of this contest, but merely remind our readers, that by dint of great exertions, the Northern men compromising their professed abhorrence of slavery, out of regard (they said) to the Union, —and earning thereby the epithet "dough-faces" from John Randolph,—it was arranged that Missouri should be a Slave State, and Maine admitted into the confederation. This act respecting Maine became law on the 3rd of March, 1820; the day before the time granted by Massachusetts expired.

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At the end of this same year a convention met at Boston, for the purpose of effecting such alterations in the constitution of Massachusetts, as the separation of Maine might have rendered necessary, or at least have afforded a safe opportunity for. It commenced on the 27th of November, and rose on the 9th of January following. John Adams was there, delegated by paternal Quincy,—it was his last public effort; the convention would fain have made him its president, but he declined the honour, and Chief-justice Parke was chosen. And Daniel Webster, although he had been but a few years a citizen of the Bay State, was one of the most distinguished and efficient members of the convention. Webster strongly recommended the abolition of the quasi-religious test for office, which seemed to be provided by the established oaths and declarations; but the ecclesiastical feeling was too powerful for his influence, even when it had the whole spirit of American freedom to support it. He also contended for the admission of property as one “basis of the senate;” a “principle which was incorporated into the original constitution;” but although he deduced from it “the practical consequence,”—“that constitutional and legal provision ought to be made to produce the utmost possible diffusion and equality of property,” he contended in vain; the genuine feeling of democracy was too powerful. In another address, on the “Independence of the Judiciary,” which appears to have been delivered almost unexpectedly, the true principles of the party he was afterwards so intimately associated with, as distinguished from the party which sprang out of Jackson’s Opposition to John Quincy Adams, and was the real successor to the old *Republicans*, are developed. And he adroitly appealed to the early history of the State in demonstration of the baneful effect on liberty, which was produced by making the judges dependent on the sovereign will. The tendency of the legislature, both in the States and in the confederation, to arrogate to itself authority over the other co-ordinate members of the government, has been noticed, and might be looked for without any such intimations as the general disposition of individuals, of the Republican and Democratic parties, to set themselves, personally, above all the constituted law and authority of the nation. It was against this that Webster set himself, pleading with the representatives of the people in behalf of the only barrier which uniformly, in the long run, has sufficed to keep out homesprung tyranny:—with what success, the sequel will show.

Connecticut, at the time when the other provinces, as they cast off their dependence upon Great Britain, organized themselves as States, with constitutions specially constructed; did not summon any constituent convention, but continued to carry on its government on the basis of the charter granted to it by Charles II. of Great Britain. Amongst its politicians, there could not fail to be some who regarded this as a serious deficiency. They might even have regarded it as ominous of evil, with respect to the permanence of their liberty, that it was not shielded and supported, as the independent sovereignty of the other States was. At length, in 1818, circumstances (which we need not specify) occurred, by which the advocates of a written constitu-

tion were enabled to procure a convention for the express purpose of assimilating Connecticut, in this particular, to the rest of the members of the Union. In August this body met, and in the following October the result of their labours was solemnly ratified by the people. But it must not be supposed that this change partook, in any measure, of the nature of a revolution. The constitution really was little more than the old charter slightly modified, cast into a new form, and invested with new sanctions.

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The right of voting at elections, which here, as in other States, seems to be considered the typical act of citizenship, was restricted to *white* men (though it was a New England State) of twenty-one years old, who had gained settlements, and possessed freehold estates worth seven dollars *per annum*, in the State, and who had resided for six months before an election in the towns wherein they sought admission as electors; or had served in the militia, after being enrolled, for the year before an election, or being liable so to serve, had been legally excused; or had paid any State tax in the year before an election, and were good moral characters;—upon taking an oath prescribed by law. A scheme of citizenship, this, which is far from realizing the idea of Democracy, and shows, most remarkably, the influence of the early history of the State.

A governor, annually chosen, was to be the executive officer. And a lieutenant-governor, to take his place if removed, but otherwise to preside in the Senate, was likewise chosen year by year, at the same time. "The General Assembly" was to consist of a senate of eighteen members, and not exceeding twenty-four; and of a house of representatives from the towns, or townships, of which the older ones sent two, the rest one each. The members of the legislature were also to be chosen yearly, and at the same time with the governor. One session of the Assembly was to be held every year. The Judiciary received its appointment from the General Assembly, and consisted of a Supreme Court of Errors, a Superior Court, and whatever other inferior courts the legislature might determine. Under the age of seventy, the judge's office was during good behaviour.

"No person is compelled to join, or support, or to be classed with, or associated to, any congregation, church, or religious association. But every person may be compelled to pay his proportion of the expenses of the society to which he may belong: he may, however, separate himself from the society, by leaving a written notice of his wish with the clerk of such society." We cannot forget the virulent animosity displayed by the author of the *suppressed* "History of John Adams' Administration," and by the historian of the Second War, against the religion of Connecticut. And we profoundly regret that so much ground for that animosity should have been afforded by this convention, when it was possible to remove every cause of suspicion concerning the truth and earnestness of the people of the State, in this momentous matter: although it was, undoubtedly, a great step in advance, which even this remarkable provision indicates. We may note here that a similar step



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was taken by another New England State, New Hampshire, in 1819, by an act of the legislature.

Our readers will readily call to mind the character of the political contests in the State of New York, which one writer we quoted summed up in the word "atrocious." In various quarters the opinion was expressed, that a revision of the constitution was extremely desirable, as it might remove many of the occasions of that fierce hostility between the political parties, if it could not eradicate its causes. Three points especially required alteration,—the limitation of the right of suffrage, the mode of making appointments to offices, and the power of revising the acts of the legislature, vested in a council. When the governor, Dewitt Clinton, opened the session of 1821, he recommended the holding of a convention for the purpose of effecting the changes which appeared to be so desirable. To this advice the legislature responded by passing an act, directing the election of delegates for such a convention; but, as it appeared to Clinton, assumed that the sovereignty vested in it, and not in "the people, convened in their primary assemblies," wherefore, it was returned by the council of revision, by his casting vote; and a new law was framed, submitting the whole question of the convention to the direct vote of the people. The governor was represented as hostile to the proposed amendment in consequence of this measure, and a more prominent place in the public favour was assigned to others, who only shared with him the task of giving utterance to the universal wish.

The result of the appeal to the people was the resolution to hold a convention; and delegates were chosen without delay. On the 28th of August, 1821, they met at Albany, and the whole State awaited with hushed expectation the fruit of their deliberations. No limits were assigned either to the nature or the extent of the amendments they might resolve upon; but they were to become part of the constitution only by the subsequent assent of the people themselves.

From a biography of the governor we extract the following paragraphs. "The convention numbered a great many persons, who had been distinguished in the party warfare of the State, and several who had held important public stations during the prevalence as well of the Federal as of the Democratic party. Between these, it was supposed, that a broad distinction existed, in relation to the limit of the right of suffrage. The Federal party, it was believed, held the doctrine of the English republicans, and which had been the basis of the arguments by which the American Revolution was justified; namely, that taxation and representation should be co-extensive. It was, in consequence, expected that the members of the convention who had belonged to this party would have opposed any further extension of the right of suffrage in the election of members of Assembly, and been reluctant to do away with the freehold qualification in the voters for governor and senators.

"The Democratic party, on the other hand, had secured its ascendancy, by avowed obedience to the popular will; and an effort, on its part, to deprive the freeholders of their peculiar privileges, was to have been expected.

"To the surprise of those who were not acquainted with the secret springs of action, all parties exhibited an anxiety to outbid each other for popularity, by extending the right of voting for all offices to the widest possible limit. More doubt and hesitation were shown at first by the old Republicans, than by those who had been counted as Federalists; but the desire of appearing on the popular side prevailed with all, and no requisite was demanded in any voter, except citizenship and residence."

"The convention," says the same writer, "mustered a decided majority of the opponents of Clinton." And he adds, as a sort of consequence of this;—"The new constitution, by changing the day on which the legal year began, from the 4th of July to the 1st of January, abridged Clinton's term of office; and it was believed by many, that the desire to remove him had been the real object of this change." We can scarcely wonder at the character of New York politics, when we see constituent-delegates, their critics, and this biographer, one or all, concerned in so paltry a thing, or suspicion, or record, as this.

Amongst the changes effected by the convention we note the following. The council of appointment was abolished, and the power it had held was transferred to the governor, to be exercised with the concurrence of the senate. The council of revision was also abolished, and the veto given to the governor; but a vote of two-thirds of the members of both houses might reverse it. The right of suffrage was granted to "white male citizens," (so that it was understood there could be *citizens without votes*,) twenty-one years of age, inhabitants of the State for twelve months, and residents in a county for six, preceding an election. Payment of taxes, performance of military duty, and working on the high-ways, were also proposed as qualifications; and to the last two, Van Buren,—Democrat though he was,—afraid of "cheapening this invaluable right," and refusing "to undervalue this precious privilege so far as to confer it, with an indiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it,"—desired to attach the condition of being a householder. By way, we presume, of demonstrating the amount of their faith in the *dictum*,—"all men are born free and equal," which was, of course, frequently cited in the debates; it was determined, that no man of colour should be entitled to vote, unless possessed of freehold estate, of the yearly value of two hundred and fifty dollars, without encumbrance. Van Buren (not at all conscious of having indulged in a witticism) approved this restriction of the freedom of the blacks, on the ground that "they would not exercise the right of suffrage in its purity." As a compensation for this curtailment of their privileges, they were exempted from taxation to the same extent.

The nomination of the chancellor and the judges was given to the governor, the consent of the senate being required for their appointment. The attainment of sixty years of age was the furthest limit of the office of the chancellor, and the justices of the supreme and the circuit courts; and during good behaviour within that term; but five years was the period of office for

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judges of county courts, and courts of common pleas. Dewitt Clinton's biographer says,—“The objectionable feature in relation to the judges was retained, showing how, in such instances, party spirit and feelings of individual dislike may prevail over considerations of public good. The chancellor and judges had not joined the party in opposition to Clinton, and there was not sufficient manliness to point them out directly, by allowing their offices to expire on their reaching the age to which the old constitution had limited their time, and ordaining that their successors should remain on the bench to a more advanced period of life.” The meaning of which, to such as may be, fortunately, ignorant of the matter, will be made clear enough for all practical purposes by this extract from a “Life of Martin Van Buren,” published during his canvass for the Presidency.

“During the period which preceded the amendments of the constitution, the bench of the supreme court was filled with men who had, all their lives, been active partisans, and who mingled their party principles and prejudices with the discharge of their duties as members of the council of revision, and even as public administrators of justice. They had opposed, thwarted, and reviled the measures of the Democracy, [will our readers mark the word ?] with unceasing violence; and notwithstanding the high respect which their talents and learning, in many instances, commanded, they had incurred, by their partisan activity, the strongest antipathy of the friends of popular rights.” In other words, they had not regarded the vote of the majority as *ipso facto* capable of determining what was right and good for the State.

We regret to add, that the amendment of the constitution, however befitting in itself, was by no means productive of such results as were expected by those who perceived the real mischief arising from the spirit which animated both parties in their local strife. The new polity went into operation on the 1st of January, 1823; and in the legislature which then first met, says Dewitt Clinton's biographer, “hardly a man was to be found bold enough to avow himself the adherent of his fortunes. In the succeeding legislature, the case was still stronger, and to coldness was added direct injury.” He was subjected to a discourteous examination before a committee on the subject of the canals; and on the last day of the session of 1824, without any pretence of ground, or even of justification, he was, by a vast majority in the senate, and a very large one in the house, removed from his office as canal commissioner. And yet, at the next vacancy in the governorship, he was brought forward as the fittest person for the office, and chosen by an “overwhelming” majority; nay, he was even re-elected, and that in spite of a “coalition” formed for the very purpose of defeating him.

Michigan Territory, we observe, in 1819, authorized to advance to the second grade of territorial government; when its interests were watched and expounded in Congress by a Delegate, and some of the responsibility and honour of self-government were laid upon its citizens.

Attempts were made in several other States of the North, to revise and amend their constitutions, but without success.



And now we must tell of President Monroe's Northern Tour, and of some other events of the like nature with it ; which may assist us in obtaining some more familiar acquaintance with the people of this part of the Union, though in holiday trim.

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We remarked above on the departures from the simplicity of Republicanism, such as Jefferson exhibited, made by Madison in his levees, and Monroe in his "progresses;" and how Jefferson, who had denounced these pomps in Washington, saw no danger to the commonwealth where they were indulged in by his own personal disciples and acolytes;—perhaps, with sufficient reason. The chief value of these facts for us then, it will be remembered, was the proof they afforded of the changes in the principles of the political parties, and the light they throw on the springs of the movements of these times. We have now to use these painful peregrinations of the President *in partibus infidelium*, so to speak, (for it was principally amongst Federalists, or those who had been such, that we have now to see him wandering,) with an object directly opposite; namely, to enable us to estimate the social and political progress of the North. And when we have compared the results of these two studies of the same incident, we shall more fully comprehend how vast a change had been wrought in the party-politics of the United States.

Let us hear the Annalist's general account of the "manner of his reception." "His approach to a particular town being announced, the best lodgings were provided, to which he was escorted by the civil and military authorities, and citizens of the place. A committee of arrangements was appointed, who selected one of the ablest and most accomplished of their number, to deliver a congratulatory address. These were more or less polished, flattering, or bombastic, according to the talents and feelings of their respective authors. The objects of all were the same. They bade the President a cordial welcome to their village; expressed their high sense of the honour he had done them; complimented him on his past services, and exertions for the public good; congratulated him and themselves on the national prosperity and its future prospects; expressed their confident expectation of a wise and impartial administration under his auspices; and wished him a safe and prosperous journey, and a long and happy life. These were answered with as much variety as the ingenuity of the President could suggest; but always with a reciprocation of good feelings; by a notice of any important event to the honour of the place, if any was within his recollection; by many thanks to the citizens for their civilities, and to the committee for the polite manner in which they had been communicated; and by a profusion of good wishes for the prosperity of the town.

"A sumptuous entertainment was then provided, of the best the city afforded, at which the President occupied the chief seat; and the citizens arranged themselves on each hand, nearer or more remote, in proportion to their respective dignities. The entertainment was concluded with appropriate sentiments. Mr. Monroe received upwards of fifty of these civilities, in

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the course of his journey. And though to an old man of upwards of sixty, more accustomed to the dull routine of business than the hilarities of a feast, they became irksome, yet he went through them with a good degree of *éclat*. His looks, words, and actions were favourably interpreted, and afforded a fertile subject of conversation for a considerable time after his departure."

Arcadian simplicity!—if not rather that of the golden age! And yet we are further informed, with grave irony, that—"many citizens, living *without* the sphere of the excitement occasioned by the President's tour, viewed these extraordinary attentions with some degree of dissatisfaction. They were disposed to consider them as hostile to the principles of liberty and equality, the distinguishing characteristics of republicanism; as having too much of a monarchical tendency, and bearing too strong a resemblance to the pageantry usually attendant on the journey of a European sovereign through his dominions." This was perfectly fair, considering that Monroe was one of Jefferson's chosen friends. Vigilance, and even suspicion, we may pronounce absolutely needful in a republic,—but it should be generous, not mean. "Some jealousy was also excited," proceeds our authority, an undoubted New England man, "lest these distinguished marks of respect, in the only section of the Union opposed to his election, should induce a partiality in favour of his new friends, to the prejudice of his old ones, in his future designations to office." We are reminded of the opinion expressed by the French ambassador, in the first days of the Constitution, when he found the Republican leaders ready to sell themselves, and their country too, for the means of effecting the overthrow of their rivals,—“the consciences of the pretended patriots of America already have their prices!” “What will be the old age of this government, if it is already thus decrepit?”

“Mr. Monroe they considered a plain, honest, good citizen; of sound sense and judgment; who had served the people in several important stations, with reputation to himself and advantage to his country. His talents and acquaintance with the concerns of the nation, qualified him to discharge the duties of the high office to which he had been elected. There were, very probably, several hundred of his fellow-citizens, who could have done the same as well, had the choice fallen upon them. A chain of events beyond his or their control, had made him the first man of the nation, and left them in subordinate stations, or in the shades of retirement. This circumstance, while it entitled him to respect, did not (in their opinion) justify so great an exhibition of congratulations, compliments, and parade, as attended him through his tour.” The corporation or church (invisible) of “able-editors,” especially in the Southern States, reflected still more sarcastically upon the incidents of the Tour. The “Richmond Enquirer” spoke of publishing “the flowers of newspapers, embracing all the beauties of the Northern prints since the commencement of the President’s Tour; their minute descriptions of his diet, drink, and dress; the roses which were showered upon him; the smiles of the ladies on his appearance; his breakfasts, refreshments, dinners, tea-parties, and suppers; the great men who attended ‘his Excellency,’ and

the old ladies whom he visited ; with a great variety of nice and minute anecdotes, accompanied by a number of engravings, representing these brilliant scenes." And "Niles' Weekly Register," whilst apologizing for occupying his "customers'" time with these trifling matters, declared that he thought it was the duty of history to describe them, as indicative of the manners, customs, and feelings of the times. A thought in which we entirely agree with the editor, and even include himself and his criticisms in the same category.

At New York, the local Society of the Cincinnati addressed him, to his "heartfelt satisfaction," he said ; for he considered it "impossible to meet any of those patriotic citizens, whose valuable services were so intimately connected with that great event, [the Revolution,] without recollections which it was equally just and honourable to cherish." And was not Monroe himself a "soldier of the Revolution," though he did belong to the party which had, in all but the name, almost extinguished the order of Cincinnati?—At the same place he received an address from "the American Society for the encouragement of Manufactures," and replied, "that he only appreciated the objects of the institution, which were particularly dear to him from their being intimately connected with the real independence of our country ;" assuring the bearers of the address, "that he would use his efforts, as far as the general interests of the country would permit, to promote the patriotic and laudable objects of the society." Notwithstanding which assurance, we know, that he was a very hesitating convert to Clay's "American system," although that was the meaning of that Society for encouraging home manufactures.

How he was received at Boston,—which had been the ground of much speculation beforehand, because Massachusetts had opposed his policy when he was at the head of the War Department under Madison, had voted unanimously against him at the Presidential election, and had, indeed, always been in antagonism to him ;—we must show, from the account of the writer we have quoted above. Happily it is no sarcastic "Mr. Wood," who does not sympathize with the universal joy, that describes the scene.

"Governor Brooks," he says, plunging *in medias res*, with due effect, "directed his first aid, Colonel Sumner, to meet the President at his entrance, attach himself to his suite, and attend him through the State. Major-general Crane was directed to procure a suitable military escort. The inhabitants of the town of Boston chose a large committee of both political parties, to make the necessary arrangements for his reception. The discharge of a park of artillery, and the ringing of bells at twelve o'clock, on the 2nd of July, announced his arrival at the entrance of the town, where he was met by the committee of arrangements, and escorted through the principal streets by a procession of citizens, of more than a mile in length, to a suite of rooms provided for him at the Exchange Coffee House. He remained at Boston until the 8th of July, [thus spending Independence Day at the birth-place of the Revolution,] viewing the various objects worthy of notice, in the metropolis of New England and its vicinity ; and receiving and reciprocating the



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compliments of his fellow-citizens, each striving to obliterate party distinctions in the general festivity of the occasion. The scene had a happy effect in harmonizing the citizens; to the President it was a high gratification to be recognised and treated as the chief magistrate of *the whole nation*, in the midst of his political opponents; and to Europe [could she have spared time to see the sight,] it [would have] presented the imposing aspect of a united and powerful commonwealth."

Incidentally, quite, our worthy informant affords us here another glimpse of the unaffected homeliness which lay under all the affected grandeur of the public displays, by which history becomes almost idyllic. "Complimentary addresses of a formal character," says he, "had multiplied upon [the President] so much since his arrival at Providence, that at Salem he was obliged to halt, and seclude himself from his fellow-citizens some days, to construct appropriate replies, and discharge the tax on his ingenuity which they had imposed." Unpoetical indeed must be the soul that would smile unkindly at the President, or his historian, for this "touch of nature;" and herewith we will turn to those other events, of the same sort as this, which we promised to relate.

The first of these shall be the reception of La Fayette at New York. "At the entrance of New York Bay he was received and conducted to the residence of Governor Tompkins, on Staten Island. On the next day, preparations were made for his reception in the city. Business was suspended, and at an early hour the whole population was in motion, to witness the landing of their respected guest. The ringing of bells, the roar of cannon, the waving of the national flag, and the parade of the military, proclaimed it a day of universal joy. Before twelve, the battery, the wharves, and every place commanding a view of the passage from Staten Island to the city, appeared one dense mass of human beings. The numbers collected were estimated at least at fifty thousand. At ten o'clock in the morning, a steamship, manned with two hundred Americans, and decorated with the flags of the various nations whose ships were in the harbour, put off for Staten Island, accompanied with six large steam-boats crowded with passengers, and animated with bands of martial music. The committee of arrangements, the officers of the United States' army and navy, the general officers of the New York militia, and the committee of the Cincinnati Society, proceeded to the island, and received the general on board. The squadron, accompanied by the shipping in the harbour, then moved for the city. At two o'clock, the general landed at the battery, and was received by a salute from the military, accompanied by the reiterated cheers of the immense concourse of citizens, assembled to bid him welcome. After resting a few minutes, he proceeded in an elegant barouche, escorted by the dragoons and troops of the city, through Broadway to the city hall, where he was received by the municipal authorities, and conducted to the city hotel, fitted up for his reception. The mayor took him by the hand, and bade him welcome, in appropriate and affectionate terms," which we do not need to quote.

Our next subject is the laying of the foundation-stone for a monument at Bunker Hill, to commemorate the famous battle there, and the death of General Warren; at which La Fayette assisted, and Daniel Webster with his potent oratory, that was never listened to by a multitude more vast. To add to the impressiveness of the occasion, it was the fiftieth anniversary of the fight, June 17th, 1825;—and thus has the scene been described:

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“This celebration was unequalled in magnificence by any thing of the kind that had been seen in New England. The morning proved propitious. The air was cool, the sky was clear, and timely showers the previous day had brightened the vesture of nature into its loveliest hue. Delighted thousands flocked into Boston to bear a part in the proceedings, or to witness the spectacle. About ten o’clock, a procession moved from the State House to Bunker Hill. The military, in their fine uniforms, formed the van. About two hundred veterans of the Revolution, of whom forty were survivors of the battle, rode in barouches next to the escort. These venerable men, the relics of a past generation, with emaciated frames, tottering limbs, and trembling voices, constituted a touching spectacle. Some wore, as honourable decorations, their old fighting equipments, and some bore the scars of still more honourable wounds. Glistening eyes constituted their answer to the enthusiastic cheers of the grateful multitudes who lined their pathway and cheered their progress. To this patriot band succeed the Bunker Hill Association. Then the Masonic fraternity, in their splendid regalia, thousands in number. Then La Fayette, continually welcomed by tokens of love and gratitude, and the invited guests. Then a long array of Societies, with their various badges and banners. It was a splendid procession, and of such length, that the front nearly reached Charlestown bridge, ere the rear had left Boston common. It proceeded to Breed’s Hill, where the Grand Master of the Freemasons, the President of the Monument Association, and General La Fayette, performed the ceremony of laying the corner-stone in the presence of a vast concourse of people.”

“The assembled multitude then proceeded,” we learn from another source, “to a large area, occupying nearly the whole north-eastern side of the hill; where seats had been placed in the form of an amphitheatre, capable of accommodating an immense number of persons. In the centre of the declivity, upon a stage erected for the purpose, the orator pronounced *sub dio* an address, which equalled the high expectations awakened by the occasion, and which already bears an established character in the classical literature of our country. \* \* \* The oration and other customary exercises of the day being concluded; invited guests and others, who provided themselves with tickets, dined under an awning, at tables set on one side of the battle hill, for between four and five thousand persons, and completely full.”

Space, occasion, and words deserving of being transferred to our pages, so rarely coincide; that now, when no condition is wanting, we must do ourselves and our readers a pleasure, and quote the noble peroration of Webster’s address.

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"Let the sacred obligations," said he, "which have devolved on this generation, and on us, sink deep into our hearts. Those who established our liberty and our government are daily dropping from among us. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us, as our appropriate object. We can win no laurels in a war for independence. Earlier and worthier hands have gathered them all. Nor are there places for us by the side of Solon, and Alfred, and other founders of states. Our fathers have filled them. But there remains to us a great duty of defence and preservation; and there is opened to us also a noble pursuit, to which the spirit of the times strongly invites us. Our proper business is improvement. Let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction and an habitual feeling that these twenty-four States are one country. Let our conceptions be enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be, **OUR COUNTRY, OUR WHOLE COUNTRY, AND NOTHING BUT OUR COUNTRY.** And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty; upon which the world may gaze with admiration for ever!"

Another scene, illustrated by the same splendid oratory, was the anniversary of the landing of the Pilgrim Fathers, as it was observed in 1820; but though few of Webster's efforts were marked with greater felicity and spirit, or enforced so powerfully the moral of his theme, we must refrain from a fuller notice either of the speech, or the celebration. We must also pass by the funeral of John Adams, and the visit to the Eastern States of John Quincy Adams, then President, which followed it. Neither can we stay to record the opening of the great Erie canal, although of it we read,—  
"Our country has never witnessed any ceremony accompanied by such pomp, nor one which diffused in every breast such unmingled feelings of gratification. All feelings of party spirit were suspended, and even the bitterness of present animosity was for a moment neutralized."

It will not be needful here to show how the State parties were affected by the movements of the national parties; in an earlier Book we have spoken of the virtual absorption of the former into the latter,—the local interests, which had been the grounds of party divisions in the colonies, becoming of comparatively small importance after the independence of the country was accomplished. One or two instances of the action of the States individually, on questions of national moment, will suffice for the illustration of this part of our subject.



How profoundly the entire Union was stirred by the Missouri affair, we have intimated above; and at the same time we presented the views of it, which were most influential in the different sections. Without wishing to lessen the claims of the North to be considered as conscientiously opposed to Slavery, we are compelled, by their ability to compromise their avowed principles regarding it; by the provisions to be found in the constitutions, bearing upon the coloured races; by the ignominy with which persons of colour are systematically treated there; and by other similar considerations,—to remark, that for purposes like those aimed at in the South, negro-slavery could not exist in the North. The slow, unintelligent processes of agricultural labour are directly contrary to the shrewd briskness,—the “sly” habit,—required in commercial and trading pursuits. The wastefulness of slave-labour, too, would render it eminently unsuitable for thrifty occupations. And the climate itself would as greatly incapacitate the Northern men from being slave-masters, as it would lessen the productive capability of the negro.

It cannot be doubted that the *real* distinction between the Slave States and the Free, is rather the antagonism of the agricultural and the trading interests, (as we have, in fact, observed already,) than one based upon a philanthropic theory. Philanthropism renders the line of demarcation broader and more precise; and furnishes each party with an *alias*; but the parties are the same that have divided every state which has had a political history, since the world began,—appearing as country and city, permanence and progress, and under many another form beside. The occurrence of such compromises as we have had to record, now becomes intelligible; and the consistency, or, more truly, the absence of inconsistency, of the Free States in consenting to them is manifest. It is also apparent, we may further observe in passing, that the abolition of slavery in the South is very far from being all that is necessary to elevate the negro race into the position, from which, as a section of the great and diversified family of mankind, it ought never to have been excluded. There is much to be *abolished* in the North, too, before America shall deserve to be named “the Land of the *Free*.”

The course of action adopted was, as we should expect, the expression of public opinion by means of public meetings, called for the especial purpose of discussing the aspects and bearings of the projected violation of the second pro-slavery compromise which had occurred in the history of the United States. Trenton first, and after it New York, Albany, Philadelphia, Boston, Salem, and the other large towns of New England,—both parties, on the question of State rights, concurring,—spoke out in opposition to the extension of slavery to the north of the mouth of Ohio River,—or to the addition of a new member to the compact and powerful South. The operations of each meeting were carried on by a committee, appointed at the time for the purpose of preventing the agitation from dying away, before all was done that could be to effect the contemplated object. The State legislatures next took the subject up; and Congress was besieged by memorials and appeals

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against the sufferance of slavery in Missouri. New England did not join in this movement; but her townships memorialized Congress with great assiduity. Ohio and Indiana spoke by their legislatures, and even demanded the prohibition of slavery in Arkansas as well as Missouri. Governor Wolcott of Connecticut pointed out to his legislature the growth of "those distinctions, which, according to invariable laws of human action, constitute the characteristic difference between aristocratical and democratical republics." Pennsylvania even passed an Act impeding, as far as it Constitutionally could, the operation of the Fugitive Slave Law of 1793.

How these efforts were all unavailing, and a third compromise between slavery and freedom was arranged under the auspices of Clay, we have related in another chapter. That the Legislature of the Union did not wrongly estimate the depth of the anti-slavery feeling of the North, was made apparent by the quietness with which the result was accepted; and the admission of Maine, which, though it deprived Massachusetts of the power of competing with New York from the leadership of the North, added two votes to "the cause" in the Senate, was regarded as a counterpoise to the acquisition of Missouri by the opposite party.

Massachusetts received another intimation of her loss of influence in the nation at this time. She had, in the late war, by her interpretation of the powers of Congress and the President, undertaken of herself to guard her sea-coast from invasion. But she still considered this service as rendered to the nation, and presented to Congress a claim for more than a million of dollars, on account of it. The writer of the "Historical Sketches" says, "These expenses were necessary, and aside from the Constitutional question involved in their origin, they were of a meritorious character, and most of them stood on as high ground as those incurred by other States for similar objects, which had been allowed by Congress, and for which Massachusetts had paid her proportion. A change in the political character of that State, had assimilated its government to that of the Union, and restored it to the fellowship of the American family. Its legislature had explicitly renounced the obnoxious principle which occasioned the controversy. Under these circumstances, the President recommended to cast the mantle of oblivion over the political transgressions of that State, and make provision for the settlement of her claims, upon the same principles that those of other States had been settled, without reference to the Constitutional question which had hitherto prevented their allowance." But in spite of the President's recommendation, neither House would agree to a vote in favour of the claims of Massachusetts.

We must refer to the former chapters of this Book for an account of the attempts made by Congress to devise a general Bankruptcy system, which should supersede the various and discrepant systems prevailing in the different States. And we must pass by, with this very imperfect notice, the fact that the statutes of several States were set aside by decisions in the Federal courts. This could not fail to occur frequently under such a political sys-

tem as that of the United States; and the interest of these cases is purely local. In the same way, we shall enter into no detail respecting the resolutions by which the State legislatures supported or opposed the measures of the Administration, and greeted the President with loyal welcome, or loyal farewell, when he entered upon, or took leave of his office. We proceed to a more concerning movement, relating to an affair of national magnitude, which occurred in the North towards the close of John Quincy Adams' Administration.

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Henry Clay's scheme of protection to American manufactures, in spite of his connexion with the Southern section of the States, was decidedly Northern in its character; as we might indeed anticipate, Kentucky being, in fact, a border State. And thence arose the hot sectional contest respecting the Tariff bills introduced into Congress during these two Presidencies,—for protection, not for revenue. As soon as the woollen's bill was rejected by the Senate, in the second session of the nineteenth Congress, steps were taken to bring the subject again before the general Legislature; and the Pennsylvania Society for promoting manufactures and the mechanic arts, "an institution of considerable standing and great respectability," called on the farmers, manufacturers, and friends of the "American system," to hold meetings in their several States, and appoint delegates to a general convention at Harrisburg, on the 30th of July, 1827; to deliberate on the means to be taken for the encouragement of domestic industry. This proposition was very generally acceded to in the North, and local conventions were holden at the capitals of the several States, at which men of the highest standing, worth, and influence, were appointed as delegates to the Harrisburg convention.

At the time appointed, a hundred delegates from thirteen States,—New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and Kentucky,—met there. Delegates were appointed by the State of Maine also, but being unable to attend, they addressed a letter to the convention, expressing their approbation of its objects. Owing to the shortness of the time between the proposal of the convention and the day fixed for holding it, the more distant States were not represented; yet, excepting from Indiana, Illinois, and Missouri, delegates from more than parties in States could scarcely have been expected; and in fact, a counter-convention was held at Columbia, in South Carolina. The manufacturing interests of the North, and those of the growers of wool, were very fairly represented at Harrisburg, but no honest partisan, even, could pretend that the *agricultural* interests could either speak or be heard there. There was collected, no doubt, as large a number of well-informed business men as could easily be got together; but we more than question the statesmanship of their leaders.

Joseph Ritner, of Pennsylvania, was made president of the convention, and Jesse Buel, of New York, and Frisby Tilghman, of Maryland, vice-presidents. Committees were then appointed to inquire into the state of the wool-growing and wool-manufacturing business; into the state of the manu-



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factures of iron, hemp, flax, glass, copper, and cotton; the propriety of affording further protection to home-distilled spirits; and the effect of domestic manufactures upon the commerce and navigation of the country; but we have no word about its agriculture. For five days did the convention sit, and then agreed on a memorial to Congress, praying for further protection to the national industry, by an increase of the duties on woollen manufactures and on wool; and for an increase of the duties on manufactures of hemp, flax, and cotton, and on iron, steel, and distilled spirits. A committee was also appointed to prepare and publish an address to the people of the United States, on the subject debated in the convention.

It is most probable, that little influence was exerted upon the decision of Congress, respecting the tariff act, which was passed at the following session, by this convention; but we cannot subscribe to the opinion of Senator Benton, that it and the periodically recurring protection tariffs were only electioneering stratagems, intended to tell at the next ensuing Presidential election. It seems rather to have been a movement of self-preservation; for in the North the conviction was strong—being modified only in the places where mercantile interests prevailed,—that without protection, American manufactures could never grow up into a permanent source of national wealth.

One form of State controversy at this time occasions us some surprise,—disputes regarding boundaries. New Hampshire and Massachusetts were engaged in such a one; and most remarkably, it originated in the old colonial times, in a decision of the king of Great Britain and his council, by which a considerable tract of land was taken from Massachusetts, and assigned to New Hampshire. Now, when the former State claimed the whole width of the Merrimac River, as far up as the forks, the latter put forward a counter-claim to some sixty thousand acres, improperly (it was alleged) annexed to Massachusetts. It was at this time a mere inter-State controversy, nothing more than the putting forward of the opposing claims being done on either side.

New York and New Jersey were also occupied in a contest of this kind. The former State laid claim to the whole width of the Hudson River, and the latter claimed to the middle of the channel. Staten Island was claimed by New Jersey, too; but hitherto all their attempts to make good these claims had been unsuccessful. It not unfrequently happened, that the minor authorities of the States were brought into collision, in consequence of this dispute respecting the extent of the jurisdiction of the two States; but it was not settled during the period now under consideration.

Space will not allow us to detail any of the State-controversies of commoner forms, which were frequently brought into the courts of the United States. In the next chapter an instructive example must be given of the vast difference between the practical operation and the constitutional theory of those courts; and we shall be better able to estimate the strength of the real tie which secures the continuance of the Union.

Glimpses of the war of parties, or factions, in the Empire State, have been occasionally afforded us several times, as we have been engaged with other

affairs. These were of much too great moment, both to the State and to the nation, to be spoken of incidentally alone. Here, as well as in the country at large, the victorious and dominant Democrats were split into two divisions, and the contest was carried on for the most part around Dewitt Clinton, as candidate for the governorship. Clinton, though he did not belong to that section of the Democrats which was represented by John Quincy Adams and Clay, stood, nevertheless, in the same position;—and the heats of the Jackson men in Opposition were represented in New York by those of the Tammany men, (also called, in accordance with the peculiar taste that determines the designation of parties in the United States, *Bucktails*,) who had put forward Martin Van Buren as their leader.

Van Buren's election-biographer says "it would be an ungrateful task" to "enter minutely into the history of these conflicts," and selects these facts as illustrative of their violence; that "Governor Clinton was twice driven into retirement, and two of his distinguished supporters, Chief-justice Spencer and Judge Van Ness, both compelled to retire from the bench of the Supreme Court; and on the other hand, Mr. Van Buren was twice removed from office, [as Attorney-general of the State,] and was pursued for many years with the most unrelenting party violence."

Clinton's biographer, after recording the lull in the political storm, which occurred in 1818, and was marked by the appointment of Rufus King as Senator, goes on to tell how "the general government" "possesses, evidently, a great and powerful influence upon the most active politicians, by *the number and value of its custom-house appointments*;"—how "Clinton, in the struggle with the Federal party, had not been sparing in his denunciations and invectives, nor measured in the tone of his speeches and writings;"—and how, having given "in appointments [for upon one occasion, "by the very excess of his triumph, he had become possessed of the whole appointing power"] a decided preference to the small band of devoted friends, who \* \* had remained stedfast in their affections," and so had been deemed "apostates" by the other faction; Clinton suffered "great loss of popularity" on their account, "in addition to the dissatisfaction arising from disappointed applications;" not having "in his hands the powerful engine of party discipline, by which unsuccessful applicants for office are compelled to hide their griefs." And thus he throws us a lurid gleam upon the darkness and confusion of this unworthy strife.

Political contests are distinguished by one striking peculiarity,—their heat and fury, instead of being checked and diminished by the occurrence of events of a startling or absorbing nature, do but increase,—like the fabled Greek fire, which burnt all the more violently on the application of water. And of this the political history of New York, at this time, furnishes a remarkable proof.

There was living, in no very flourishing circumstances, at Batavia, New York, in 1826, a bricklayer and stone mason, named Willian Morgan, a Virginian by birth, with a wife and two children. He was a freemason, and

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during the autumn of that year, it was understood that he, having taken offence at the lodge to which he belonged, was preparing a book about the secret signs and ceremonies of freemasonry. Considerable excitement prevailed amongst the members of the order, residing in that part of the country, in consequence of this; and many efforts were made, but vainly, to induce him to relinquish his design. On the 8th of September, a great number of persons assembled at Stafford, some six miles from Batavia; and in the course of the night they proceeded to Batavia, for the purpose (as they said) of taking possession of Morgan's manuscript; but they found that the printer had made preparations to resist them, and they dispersed without committing any acts of violence.

Two days afterwards, on a Sunday morning, a summons was procured by a man named Chesebro, from a magistrate at Canandaigua, which is forty-eight miles distant from Batavia, against Morgan, on a charge of petty theft from one Kingsley;—next day he was arrested, and brought to Canandaigua, and in the evening being examined by the justice who had issued the warrant, was discharged, but immediately afterwards arrested again, and committed to the jail in Canandaigua, by another warrant procured by Chesebro on a new charge of a debt to a third person, (but assigned to Chesebro;) the whole amount, including costs, being under three dollars. Next evening, the 12th of September, between the hours of eight and nine at night, a man named Lawson came to the jail, and desired to pay the debt and release the prisoner; but as the jailer was absent, his wife would not allow him to do this; until he brought with him a Colonel Sawyer, who promised that the jailer should not be injured by her giving Morgan up; she then took the money and gave Morgan up to Lawson.

As soon as Lawson had led him out of the prison, they were joined by some other men, and Morgan was seen struggling with them, and heard to cry "Murder," till a handkerchief was put over his mouth; a carriage, which was in readiness, then came up on a signal being given, and Morgan being put into it, was driven away with Lawson and the others. He was conveyed, as it was proved, late in the evening of the 13th, over the ferry at Youngstown into Canada; but the arrangements for his reception not being completed, or, as others said, the freemasons there not wishing to be implicated in the matter, he was taken back, and put in the magazine in Fort Niagara, (at which place a cell had been prepared in the jail for his reception, by order of a gentleman from Batavia, a week before,) and there he was seen, when it was past midnight, on this 13th of September. Nothing more could be ascertained respecting him; and the universal belief was, that he was very soon afterwards murdered.

This abduction and murder caused the greatest agitation and indignation in the State, and indeed in the Union generally. Public meetings were held in the region where the outrage had been perpetrated; committees of investigation were formed; and numerous petitions were presented to the government,—which, though Clinton was a mason, exerted itself right zealously to



discover the authors of the crime. The statute-book, unhappily, had omitted the definition of this offence, and consequently it could only be proceeded against as "a high crime and misdemeanour." Several persons were tried, in the course of the following years, for conspiracy and abduction, and some were convicted, and sentenced to fines and imprisonment. And in the beginning of 1830, John C. Spencer, in the name of a "special council," presented to Governor Throop a complete account of all that had been done, and all that was known about this mysterious and scandalous business.

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Spencer, in this report, compliments "the virtue and intelligence of the people," and pronounces them "worthy of a free government," because there was such indignation expressed, when the commission of the crime was known. It would have been better had he marked a few of the incidents of the affair, which showed the great need that existed for the cultivation of popular virtue and intelligence and free government, in the form of *reverence for law*; since had there been this safeguard to life and liberty in those frontier regions, this outrage (which can be paralleled only by occurrences under despotic governments, or in the middle ages) could not have happened.

We mark, therefore, as indicative of this need, the assemblage of a multitude of men, in the night, for a violent and plainly illegal purpose,—the issue of the second warrant, under the circumstances then existing,—the release of Morgan,—the withholding of assistance, and the neglecting to pursue the carriage when he was carried off,—the providing of a cell in Niagara jail,—the jailer's accompanying the victim into Canada and back,—the employment of a United States' fort, as a private prison,—the omission to bring several persons, who had taken a prominent part in the business, into court, except as *witnesses*,—and the further omission to mark the irregularities, of which the public officers and servants declared themselves to have been guilty, by so much even as a reprimand. Other points might be noticed, but this selection will suffice.

"Some of the committees," says the report, "have employed themselves in diverting the public sentiment to the formation of a political party; which avows as its object the entire overthrow of the masonic institution; and as the means of accomplishing that end, the election of such persons only as will unite in their policy." Not in the State of New York alone, but in Pennsylvania, Vermont, and New Jersey also, this attempt to organize a political anti-masonic party was made, the excitement being "seized upon by political aspirants, as a means of bringing them into notice and raising them to power." The causes of the failure deserve notice. There was nothing in freemasonry itself to awaken such bitter hostility; it was known, that at the Revolution, the lodges were the centres of resistance to the power of Britain; that in Austria, Italy, Spain, and other countries under similar tyranny, the freemasons were proscribed, as *ipso facto* rebels; the crime was most solemnly disavowed by the society; and although this is a "secret society," it is not a secret *political* society, because both in England and the United States men of all parties were admitted to the order. And beside

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this, as the biographer of Clinton remarks,—“The excitement which naturally prevailed in the immediate neighbourhood where the crime had been committed, was not of the sort that could be propagated to a great distance; and those who, without feeling it, undertook to spread it from motives of cool calculation, were grievously disappointed; for the diversion it caused in the array of parties became the sure means of confirming the power of their adversaries.” These considerations will find fitting application as we proceed.

It could not fail that Clinton should be singled out as a special object of this anti-masonic opposition party; and it was, in fact, very injurious to his interests and purposes. And yet he was, perhaps, the only one who acted in the matter in a becomingly stern spirit. Having learned that the sheriff of one of the frontier counties was accused of participation in the outrage, he addressed a series of written inquiries to him, and when he refused to reply, removed him from his office. The offender, “it is to be recollected,” says our authority, “was his stedfast friend and political supporter.” Our analyst, after giving a summary of all the objections to the masonic system which have a political basis, thus concludes;—“In the United States, the only power which masons have to fear is *public opinion*,”—which, as we do not doubt all our readers know, is the only power that any one has to fear in this country. “So long as the laws of the land are not violated, the only punishment masons have to dread, is a proscription from office.” From which consolatory assurance we derive an unwelcome corroboration of the conclusions we have been driven to form respecting the most influential motive in American politics.

Of the political activity which showed itself in continual efforts to amend and renew the constitutions of the States, we have given examples above; another manifestation of it was the collection, arrangement, and revision of the statutes of the several State legislatures. Connecticut was the first to do this now; and in May, 1822, Governor Wolcott thus lauded the work. “The recent revision of the statutes of this State has brought us to the commencement of a new and interesting era. We now see concentrated in a single volume the results of the wise legislation of two centuries, embracing the municipal regulations, which govern the conduct of a civilized community, where agriculture, commerce, arts, and science have attained that proficiency, which is most favourable to the development and maturity of each. Though, to inexperienced eyes, this code may appear as a new work, produced by some great change in our social system, yet to more accurate observers it will be apparent, that it embraces the most ancient regulations of the founders of New England.”

New York had thrice before this time revised its statutes, in 1789, in 1800, and in 1813. A commission was appointed by the legislature of 1825, once more to go through the mass of laws, and ample powers were given them to propose any modifications, alterations, or additions, which might appear proper to them. In March, 1826, a report of the progress of this work was made

to the House of Assembly; and in the winter of 1827 some chapters of the first part were printed and laid before the legislature. From September to December of that year, the exclusive attention of the legislature was devoted to the consideration of the reports of the revisers; an extra session was also held in the following year; and on the 10th of December, 1828, the signature of the acting governor was put to the completed work, and it was arranged that it should go into operation on the 1st of January, 1830. In this not only was a scientific classification of the statutes attempted, but the old and cumbrous legal phraseology was exchanged for "neat and perspicuous" language;—a change which ought to have produced a considerable increase of respect for law amongst the citizens.

Pennsylvania did not, indeed, revise its statutes, but it appointed a commission for the revision of the penal laws of the State, and to suggest a reform in the prison discipline and punishments. In December, 1827, the result of the commissioners' labours was laid before the governor; when it came before the legislature, however, much controversy arose upon the report, and after considerable debate the recommendations contained in it were but partially carried into effect.

Turning now to the manufacturing and trading industry of the North, we see the real secret of the supremacy of this lesser moiety of the Union. And we are reminded of the mighty words uttered by Daniel Webster, at the general election of 1825; when, after glancing at the diverse interests which most engaged the attention of the different quarters of the Union, he proceeded;—"In regard to the whole country, a new era has arisen. In a time of peace, the proper pursuits of peace engage society with a degree of enterprise and an intensity of application heretofore unknown. New objects are opening, and new resources developed, on every side. We tread on a broader theatre; and if, instead of acting our parts according to the novelty and importance of the scene, we waste our strength in mutual crimination and recrimination concerning the past, we shall resemble those navigators, who having escaped from some crooked and narrow river into the sea, now that the whole ocean is before them, should nevertheless occupy themselves with the differences which happened as they passed along among the rocks and the shallows, instead of opening their eyes to the wide horizon round them, spreading their sail to the propitious gale that woos it, raising their quadrant to the sun, and grasping the helm with the conscious hand of a master." Not precisely in the way which the orator described, but in the very spirit of his advice,—although they wrought amid such a din of local politics,—the men of the North gave themselves up to the Herculean task of rearing a greater England than the old one, anchored there midst the waves of the eastern Atlantic, out of the materials and the appliances of their own country. Had they but aimed at producing a *better* one instead!—

Great Britain herself scarcely presents, in the progress of her manufactures, a more remarkable illustration of expansive energy, than do the Northern States of the Union. This period, when the burdens of the war, and its de-



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pressing influence, were not felt, just as in the parent country, was one which threw the efforts of all preceding periods into the shade. It does not consist with the plan of this book to enter minutely into the history of trade; but our story would be seriously defective, did it not tell, by examples selected from the mass, some portion of this tale.

Of woollen manufactures, little need be said. They were regarded with great interest by the manufacturing States, and were petted and praised and protected most assiduously. Much was said of the patriotism of wearing none but home-made cloth; and from Washington onwards it was the etiquette of the day of inauguration for the President to be clothed in a complete suit of American production. What has been said of the manufactures of this kind in Massachusetts, is true of them generally:—"they did not grow up naturally;" they "did not, though persevered in, flourish;" "they were all undertaken with the idea of being protected by a heavy tariff on foreign woollens." Of these protective tariffs, we have heard; and much more, unhappily for us, remains to be said in our subsequent chapters. It is more gratifying to record the improvements in the breed of sheep, which were attempted at different times. We have spoken of the introduction of the Merino sheep, long ago; now we have to tell of the introduction of the Saxony breed, which was taken into the western States in 1817, and seven years later was imported into the Atlantic States, by the Searles of Boston. There were others besides these, who were emulous of the renown of being successful wool-growers; and by that means deserved well of their country. In 1825 there were three millions and a half of sheep in the State of New York alone. But in spite of zeal in sheep-breeding and protective tariffs, the value of the woollen goods imported into the United States varied between 1821 and 1829, from less than seven millions and a half of dollars to above twelve millions.

Cotton manufactures were more completely in the hands of the Americans; for Great Britain derived most of her supplies of raw material for her chief modern staple from the United States; and here much greater progress is visible. The factories at Lowell were actually commenced, on a very small scale, in 1813; but in 1820 the water power there was improved by a Boston company, so greatly, that in 1825, the Merrimac Manufacturing Company started with a capital, that rapidly advanced from six hundred thousand dollars to a million and a quarter; and by the end of the first year was using at the rate of half a million pounds of cotton annually, and employed nearly a thousand hands in the cotton manufactory alone. In the year 1828, twelve hundred females, whose ages varied from twelve to thirty years, were employed at Lowell, and seven mills were in operation, in which above a hundred and twenty-five thousand yards of cotton cloth were manufactured weekly. And this was not the only company, nor Lowell the only place, thus occupied now; in New Hampshire, there was the Great Falls Company, incorporated in the same year that saw the first mill at Lowell; which had in 1828 nearly twenty-nine thousand spindles, and above eight hundred

looms, in operation ; consuming nearly seventeen thousand pounds of cotton weekly ; producing above ninety-five thousand yards per week, and giving employment to nearly a thousand men and women, boys and girls.

Another view of the growth of this branch of manufacture may be obtained, by comparing the value of cotton goods, of all kinds, *exported* from the United States, in 1828, with the value of the same kind of goods, *imported* into the country from Great Britain, in the same year. The former sum was a little in excess of a million of dollars ; the latter fell a little short of eleven millions.

“ In 1829,” says the Annual Register, “ there were two hundred and thirty-five incorporated manufactories in this State [of Massachusetts]. A large proportion of them manufacture cotton, wool, and iron ; besides these there are incorporated companies for the manufacture of glass, hats, leather, wire, files, lead, duck, pins, soap-stone, cordage, salt, calico, brass, copper, lace, umbrellas, linen, hose, ale and beer, type, cotton-gins, cards, glass bottles, paper, lead pipe, &c.” The very miscellaneousness of the record assists us in conceiving the rapidity and extent of the growth of manufacturing industry amongst the descendants and successors of the Pilgrim Fathers.

We learn, however, from the same source, that about this time, “ in the New England States, the great subject of public interest has been the promotion of internal improvement, by facilitating the means of inter-communication. Already, no part of America (perhaps) for the same extent possesses roads of so much excellence, and so numerous, as these States. But their enterprising and industrious population, devoted to agriculture, commerce, and, latterly, manufactures ; holding a large disposable capital ; and stimulated by the animating example of the neighbouring State of New York, have been anxiously engaged in projecting canals and railroads, to unite the principal sea-ports and wealthy capitals with the interior of the country.” Surveys, it is added, encouraged the proceeding to execute some of these projects, and showed the need of abandoning others ; and it is noted that “ the multitude of undertakings had contributed to prevent their execution, as they had divided and distracted the resources and interests of the several States.”

Foremost of these improvements in the means of communication stands the Erie Canal of New York,—projected by Gouverneur Morris, but constructed by Dewitt Clinton, after the second war was over, in spite of “ a powerfully combined opposition of party, of prejudice, and of ignorance.” “ On the 4th of July, 1817, the first excavation was made, and in October, 1825, the whole work was finished.” It cost above nine millions of dollars. Pennsylvania—probably because a “ board of canal commissioners ” was appointed—exceeded all the States in this part of the Union in the number of projects which were entertained and undertaken now. Ohio (its circumstances being considered,) fell behind none of them in the magnitude and importance of its canals. During the period to which our attention is now restricted in New York alone was much revenue derived from this source.

Railroads were commenced here in 1828 ; before that date, tramroads

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were constructed for the transport of heavy goods and materials. But the real worth of this change was not yet known, the steam-engine not having been tried as a locomotive; and at the end of 1848, only the Quincy railroad, three miles in length, was completed,—and it was employed solely to convey granite from the ledges to the tide-water. How these means of transit and carriage gradually superseded all others, so that even the great “Cumberland Road” itself,—that “enduring monument of the eloquent and persevering labours” of Henry Clay,—came to be regarded as scarcely deserving the name of “internal improvement,” which it bore when those two words were raised almost to be a test of party, we shall in process of time show.

It was to accomplish these “improvements,” that the States generally incurred those debts which form so conspicuous and so unfavourable a feature in the subsequent history of some of them. Dewitt Clinton thus encourages one of his correspondents, respecting the loan which was required by the State of Ohio, to enable it to accomplish some canal. After showing that as Great Britain had ceased to need loans,—the war being over,—“the greatest borrower was out of the market,” [he omitted to notice that Great Britain was, at the same time, the greatest *lender*;—for your Hopes and Ouvrards, Barings and Rothschilds, what were they but *negotiators*?—unless perhaps, when he bade his correspondent recollect the “vast disposable unemployed capital” there;] he said; “The moral and political institutions of Ohio are all propitious to the observance of good faith; her population is respectable in number, and excelled by none in elevation of character; her government has been wisely administered, and she cherishes with enthusiasm that spirit of liberty and independence which is connected with the best interests of men, and the most flourishing condition of States.” And then he points out other assuring considerations, of a more business kind. We are happy to learn from an unexceptionable witness, that “the State of Ohio, at the commencement of its loans, organized a system of finance on a firm foundation, providing by direct taxation for the payment of the interest, and the ultimate redemption of the principal.”

Let us look at a different case. “If the system of public works undertaken” in Pennsylvania, says Mr. Frego, “had been constructed with a strict regard to the public interest alone, and managed afterwards with prudence and economy, the favourable anticipations of the people would doubtless have been realized. But in order to obtain votes in the legislature for the commencement of the main lines, it was deemed expedient to push the improvement into every practicable part of the State, that as many as possible should partake of the expected benefit. The consequence has been the lavish expenditure of millions on lines as yet unproductive;—while a system of management directed by party politics, and the employment of countless swarms of public agents, as a reward for political service, without due regard to their character or qualifications, have not only absorbed the whole revenue derived from the finished lines, but have brought the State annually in debt



for their maintenance." The same writer informs us that the funds of the State were invested in road-making and bridge-building, and in improving the channels of the navigable rivers, as well as in canals and railroads, and that whilst the people were benefited by the investment, little or no dividend accrued to the State.

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From an American writer, Mr. Lee, of Boston, quoted by Macgregor, we take the following passages, which, though written at a later period than we have yet reached, may fitly be introduced here. "If," he observes, "the economical and financial concerns of Pennsylvania had been under the control of persons of as much intelligence and character as have usually been exhibited in such matters, by those who have ruled over some of the best governed States,—for instance, Virginia and the Carolinas, in the South; Kentucky and Ohio, in the West; New York and some of the New England States, in the East;—if Pennsylvania were under the guidance of a class of public men, corresponding in ability and character to the majority of the rulers of the States in question, there could be no insuperable difficulty in providing the *insignificant* sum, requisite for the payment of the interest on her debt. In some of the better governed States referred to, provision has been made for a more burdensome debt, taking into view the superior pecuniary ability of Pennsylvania; for instance, the State of Ohio; [Dewitt Clinton's good opinion of this State was thus vindicated.] while there are others, not so heavily in debt as Pennsylvania, yet, considering their inferior amount of products, are taxed two or three times as much as it would be requisite to tax the State of Pennsylvania for the payment of the interest on her debt, was it far beyond its existing amount."

"In the construction of public works of great and general utility, and which tend to the promotion of individual interests," "it has been found extremely difficult to impose taxes, however moderate and necessary, although there has been but little difficulty in obtaining from the people the power of contracting debts, whenever it suited the views and interest of their political leaders, who, for the most part, not belonging to the class of tax-payers, have been utterly indifferent to the pecuniary consequences of sinking the sums borrowed, in ill-conceived, ill-managed, and unproductive works of improvement."

Passing over several extensive classes of public works, which were now undertaken with great energy and success in this portion of the country, we will glance at the shipping,—in which we should expect to find it pre-eminent. The whole tonnage of the United States, in 1817, amounted to something more than a million and a quarter; at the end of 1827, the total tonnage of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, fell but a little short of the same amount! The tonnage of Boston district, at the end of 1827, was nearly a hundred and sixty-two thousand tons; that of New York exceeded three hundred and sixty-four thousand; and that of Philadelphia, ninety-five thousand tons. There is no Southern district which can compare with these

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accounts, except Baltimore, and it shows no more than ninety-nine thousand tons, New Orleans and Charleston not having even half so much. In the number of vessels, Massachusetts not only far exceeded every other State in the Union, but also the whole of the Southern States taken together.

Steam-navigation was quite in its infancy, and the most noticeable fact respecting it was the case of Gibbons and Ogden, in connexion with which Daniel Webster made one of his greatest forensic speeches. The State of New York had secured, by several acts of its legislature, the exclusive right of navigating all the waters within its jurisdiction, with boats moved by fire or steam, to Robert R. Livingston and Robert Fulton, for a term of years which had not expired in 1824; and this right, so far as the navigation between New York and certain places in New Jersey were concerned, had been assigned by them to John R. Livingston, and by him to Aaron Ogden. But Thomas Gibbons had employed two steam-boats to run between New York and Elizabethtown in New Jersey, in violation of that privilege; and had been, by the Court for the Trial of Impeachments and Correction of Errors of the State of New York, as well as by sundry inferior courts, forbidden to do so; wherefore he appealed to the Supreme Court of the United States.

Fulton's monopoly had been very prejudicial to the public good, by preventing the introduction of steam-vessels of the most improved construction; but this was a point of minor interest in the case, which turned upon the constitutionality of the grant originally made to Fulton. Congress had received, by the Constitution, a power "to regulate commerce," which such a monopoly as this plainly infringed. "What is it," said the orator, "that is to be regulated? Not the commerce of the several States, respectively, but the commerce of the United States. Henceforth, the commerce of the States was to be a *unit*; and the system by which it was to exist and be governed must necessarily be complete, entire, and uniform. Its character was to be described in the flag which waved over it, *E PLURIBUS UNUM*. Now, how could individual States assert a right of commercial legislation, in a case of this sort, without manifest encroachment and confusion?" Many years afterwards, at Savannah, Judge Wayne thus complimented Webster on the success of his argument. "The court felt the application and force of your reasoning, and it made a decision releasing every creek, and river, lake, bay, and harbour in our country from the interference of monopolies; which had already provoked unfriendly legislation between some of the States, and which would have been as little favourable to the interest of Fulton, as they were unworthy of his genius."

On the Lakes, in 1819, one solitary steam-boat, called "Walk-in-the-Water," after a famous Indian chief of that region, made a voyage to Mackinaw, to carry the American Fur Company's goods; and she repeated the trip in 1820 and 1821; but being wrecked near Buffalo, in November of the last-named year, her place was supplied in 1822 by the "Superior." In 1826 and 1827, a steam-boat made a pleasure excursion to Green Bay in Lake

Michigan. And these were the commencement of this species of navigation here. CHAP.  
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The whale-fisheries, as we have remarked in our notices of earlier periods, were a considerable source of wealth to New England, and the sea-ports of the Atlantic States. In 1819, it appears that the great extension was made, which proved the foundation of the present lucrative condition of this branch of trade. In 1817, some thirty-two thousand and six hundred barrels of spermaceti were brought into the United States; in 1828, the number had increased to seventy-three thousand. The value of the sperm oil and candles exported, in 1817, was a hundred and twelve thousand dollars; in 1828, it was four hundred and forty-six thousand. Much of this oil was procured in the Pacific Ocean. The average amount of fish procured from the coast of Labrador, the St. Lawrence, or the Banks of Newfoundland, dried or smoked, and exported from the United States, was about two hundred and fifty thousand quintals, during the time we now speak of; and the value averaged about a million dollars.

The value of the exports of Massachusetts, (which then included Maine,) in 1817, was nearly twelve millions of dollars; in 1828, the exports of Massachusetts alone were nine millions; and those of Maine, one million in value. New York State exported in the former year to the amount of eighteen millions and a half of dollars; and in the latter year, of twenty-two millions and three-quarters. Pennsylvania, in 1817, exported the worth of about eight millions and three-quarters; and in 1828, of only six millions. The imports exhibited a similar fluctuation. And this is precisely what we should expect from the direction of the commercial legislation of Congress at this time. The real wealth of these States was, as we shall see, rapidly increasing; and thus we shall arrive at another practical refutation of the "American system" of Clay and his adherents.

Of the agriculture of this section we need say little, as it constituted quite a subordinate means of wealth, except in the ultramontane region; and there it was only partially developed. The mineral wealth of these parts, too, was but just beginning to be appreciated; the coal of Pennsylvania and Ohio was not worked with the energy that a demand for that fuel, for common household use, and for wider employment in manufactures, would have inspired. The salt-works form one of the most considerable sources of revenue in this way; and they were generally in the hands of the State governments.

Macgregor has brought together, from various authorities, some facts respecting the manufacture of iron, which we will transcribe. "In 1828, it appears, there were manufactured in [Pennsylvania] twenty-one thousand eight hundred tons of bar iron, and forty-seven thousand and seventy-five tons of cast metal, of which thirty-seven thousand two hundred tons were used in making bar iron, and fourteen thousand three hundred and sixty-five tons of castings;—a hundred tons of iron being converted into nails. It was also stated, that at that time there were three thousand tons of bar iron manufactured in the neighbourhood of Lake Champlain. It was alleged, that



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in the State of New York there were, within a circle of thirty miles in diameter, eighty-one forge-fires in use, each forge having two fires and one hammer; that the capital invested in a hundred and ten forge-fires in operation was one million two hundred and ten thousand dollars, each fire capable of producing from twenty-five to thirty-five tons *per annum*, employing five thousand seven hundred and twenty hands; and that in the counties of Morris, Bergen, and Sussex in New Jersey, there were manufactured two thousand and fifty tons."

The commercial activity and wealth of these States will further appear if we turn to their banks. The stability of the banks of the Northern Atlantic section of the Union, in contrast with those of the South and the West, has already come under our notice, when we spoke of the United States' Bank, and of the pecuniary embarrassments arising out of the war. These banks, as we might expect, played a most important part in the community. Macgregor says of those in Massachusetts, that in addition to the large number who are "interested in them as stockholders," "it would be difficult to find an individual in the State who was not directly or indirectly interested in them." "There is hardly any thing," he adds, "whose influence is so completely felt in all the ramified relations of society. They in a great degree control the price of all kinds of property and of labour, regulate agriculture, trade, and manufactures, and in a series of years, show their effects on the progress of civilization." It is not, therefore, wonderful that they should have been objects of suspicion to the Democratic party.

In 1817 there were twenty-six banks in the State of Massachusetts; with an aggregate of capital amounting to nine millions and a quarter of dollars: of these, six were in Boston, with nearly seven millions of capital, and the other twenty, with remainder of the sum, in other parts of the State. The deposits of the six Boston banks, in that year, were little less than three millions; the specie exceeded a million of dollars, and their circulation was very nearly a million and a quarter. The specie of the other banks amounted to less than five hundred and fifty thousand dollars; the sum of their deposits was a little smaller than that of the specie, but the circulation was nearly one million three hundred thousand. In 1828, there were sixty-one banks; sixteen in Boston, with an aggregate capital of above twelve millions and a quarter; and the rest in other parts of the State, with an aggregate capital of less than seven millions. The deposits in the Boston banks nearly reached the sum of twelve hundred thousand dollars, the specie was more than six hundred and fifty thousand; but the circulation was almost four millions and a half. The other banks had deposits to the amount of eight hundred and eighty thousand dollars; specie to the amount of four hundred and ninety thousand; and their circulation exceeded three millions.

Similar results are obtained by a comparison of the condition of the banks of other States. Thus, Rhode Island, in 1825, had fifty-three banks, with a capital of above five millions and a quarter, deposits amounting to nearly seven hundred and seventy thousand dollars, above four hundred and sixty

dollars in specie, only a hundred and one thousand dollars in bills in circulation, but above six millions of debts due to them from directors, stockholders, and others. There were forty-seven banks in 1828, with above six millions of capital, deposits exceeding a million, specie exceeding three hundred and fifty thousand dollars, and with nearly nine hundred thousand dollars' worth of bills in circulation, and above seven millions of debts as before. Connecticut had, in 1825, thirteen banks, with capital amounting to more than four millions six hundred thousand, above a million and a half in specie, deposits, and cash in hand, and above two millions and a quarter of notes in circulation. In 1829, the same number of banks had two hundred thousand dollars less capital, about the same sum in specie, deposits, &c., and half a million dollars less in notes in circulation. To these particulars our readers will refer, when we reach a subsequent period of our story.

Boston, in 1817, was estimated to contain above thirty-eight millions of dollars' worth in real and personal estate; in 1828, it had increased to more than sixty-one millions and a half. The aggregate value of assessed property in New York, in the former year, was nearly seventy-nine millions; and in the latter year, it fell not far short of a hundred and eleven millions and a quarter. The value of the fifteen millions and more of acres of land in Ohio, in 1825, was calculated at thirty-seven millions and a quarter, and in 1828, at above forty-one millions and a quarter; the horses and cattle, in 1825, were reckoned worth more than seven millions and a half; in 1828, more than eight millions and a half; but the merchants' capital in the State amounted to nearly five millions and a quarter in the former year, while in the latter it was less than three millions and a half.

We must not leave the Eastern States entirely without mentioning the following items which appear in the statement of the expenditure of two of them. New Hampshire, in 1828, it appears paid two hundred and fifty dollars under the title of "Wolf, bear, and wild-cat bounty;" and in the next year Vermont paid for "wolf certificates," two hundred and sixty dollars. Whence we must conclude that the quantity of unimproved land in those States at that time was not inconsiderable.

Nothing new can be added to the descriptions given in former chapters, of the rapid and incessant migration from the Eastern parts of the Union to the States and Territories of the far West. We may, however, mark the extent of the occupation of the tract which comes now under consideration, by the help of a report concerning the public lands. Hence it appears, that there were now (1828) in Ohio, little more than four hundred thousand acres out of nearly twenty-five millions, the Indian titles to which had not been extinguished; and that less than five millions of acres, which had become the legal property of the United States' government, remained unsold or unappropriated. In Indiana, above seventeen million acres had been acquired from the aborigines, who still held above five million and a quarter acres; and there remained more than twelve million and a quarter acres unappropriated by grant or sale as private property. More than twenty-nine million and a

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half acres, had been acquired in Illinois, the Indians retaining nearly six millions and a half; but here, above twenty-three millions and a half remained in the hands of the government. The red men still held in Michigan more than seven million and a quarter acres, and their title had been extinguished to more than seventeen millions and a half; but scarcely a million and a quarter of these had been appropriated by grant or sale. And there was, besides, the whole of the great tract extending from the Great Lakes to the Pacific, where only the scattered tribes of Indians, a few hunters and trappers, and fewer travellers, could be found.

Vast as were the mineral riches of this region, and the agricultural capabilities also, at this time it yielded nothing more valuable than the skins of the fur animals,—unless we reckon Congressional eloquence and diplomatic correspondence amongst the items of national wealth. How it was agreed between the governments of the United States and Great Britain, that the disputed territory about the Columbia River should be jointly occupied, for renewable terms of ten years; and with what disgust this inspired Senator Benton, whilst yet but an unfledged politician,—we have declared. It has also been shown that the Czar of all the Russias laid claim to a strip of territory along the north-west coast of the continent, by imperial *ukase*; but that afterwards he entered into a convention with the United States, by which their respective claims were adjusted,—those of Great Britain being left unadjusted,—whence in subsequent years arose more diplomatic correspondence, and more Congressional eloquence, to the astonishment and weariness of mankind. The furs procured in this remote and waste country were of considerable value, but the trade with those who procured them was yet more valuable; greater still was the prospective value of the region, for agricultural purposes, for its mineral wealth, and as an emporium for trade with China and the East Indies; and on all these accounts, it grieved the soul of Senator Benton, even when he was no more than a lawyer at St. Louis, that the possession of the territory should be virtually left to the British. He tells a tale of “not less than five hundred of our citizens killed, nor less than five hundred thousand dollars’ worth of goods and furs robbed from them,” during the first ten years’ joint occupation, by the British, who remained “the undisturbed possessors of all the Valley of the Columbia, acting as its masters, and building forts from the sea to the mountains.” From all that we have heard and seen of the habits and characters of the American backwoodsmen, we are compelled very strongly to suspect the accuracy of the “authentic reports made to our government,” whence these statements are derived.

From unquestionably authentic sources, we learn that, in 1823, a party of hunters sent out by the Missouri Fur Company (which, we may observe in passing, was unfortunate, and soon disappeared,) was attacked by the Black-foot Indians, on the Yellowstone River; several of them were killed, and others were wounded, and they were plundered besides. In that same year “came the high enterprise of General William H. Ashley, re-establishing



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commercial intercourse with the countries west of the Rocky Mountains. He lost fourteen of his men, and had ten wounded, in a fight with the Aricara Indians, at the first start." But he was on the whole very successful, both as a trader and as a discoverer. He made another expedition in 1825, reached the Utah Lake, and established a fort not far distant; to which, two years afterwards, a six-pounder was drawn by mules from Missouri, twelve hundred miles, with an escort of sixty men. "In 1828, many loaded waggons performed the same journey." Above a hundred and eighty thousand dollars' worth of furs were sent by Ashley's men to St. Louis, between the years 1824 and 1827. "Having thus acquired a competency, General Ashley sold out all his interests and establishments to the 'Rocky Mountain Fur Company,' then formed here." "It was a remarkable fact, that in the period of five years, from 1825 to 1830, of the number of our men employed in the trade, *two-fifths* were killed by the Indians, or destroyed by accidents and dangers of the country."

We also read of the establishment of a military post, at the mouth of St. Peter's River, on the Mississippi; of another at the Mandan villages, on the Missouri, sixteen hundred miles above its junction with the Mississippi; and of a third at the mouth of the Yellowstone River, in the years 1818 and 1819. A deep impression was made on the minds of the natives by the manner in which this expedition proceeded; so, at least, the projectors and others concerned in it believed. "A steamboat, in the form of a huge water-snake, and having every appearance of a live animal, appeared breasting the current, overcoming every obstacle, and dashing through the waters with great velocity, and constantly emitting a dense volume of smoke from its mouth. By an occasional discharge of a heavy gun, the wilderness for miles around appeared to echo with the bellowing of the animal. \* \* In the view of the wondering savages, a great evil spirit had arisen from the deep, and was come to punish their transgressions. They endeavoured to appease his anger, by paying homage to his power, in their accustomed manner of worship." Notwithstanding all this, the expedition was abandoned in 1820, without having accomplished all it had been sent out to do.

Less space than we have hitherto bestowed upon the relations of the United States with the aboriginal tribes, will now and henceforth be allotted to them. Contests and negotiations with such become of less moment continually, when the predominance of civilized men is decided. This was the case in America by the wars we have related; and it is only necessary for us now to indicate generally the consequences of the determination of barbaric man's inferiority, in the removal of the vanquished race from the vicinity of the victors, and in the change which that removal necessitated in the former. For no scheme for employing the American aborigines as slaves seems to have been entertained at any time; though why, on *moral* grounds, they should have been dealt with so differently from the imported natives of Africa, does not satisfactorily appear.

There were cessions of land on the part of the red men, as usual, but to a

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far greater extent; and in consideration of gifts and annuities, which were magnificent to them, though they by no means represented the worth of the lands to the American government. In some instances, scattered tracts were left in the hands of the Indians, with the notion that as white settlers were planted round them, they might be induced to adopt the habits of civilized life, and gradually merge in the general population. In some instances also the plan for removing these tribes into the region beyond the Mississippi, was put in execution.

Other incidents require notice. "For many years past," says the Annual Register for 1825-6, "hostilities had been carried on between the Sioux on one side, and the Foxes, Sacs, and Menominies on the other. Wars had also existed between them and the Chippewas, Winnebagoes, Ottowas, and Potawatomes, on account of their hunting grounds and unsettled boundaries. In the month of August, [1825,] deputations from these several tribes, to the number of two thousand and upwards, met the United States Commissioners, [Governors Cass and Clark,] at Prairie des Chiens, and entered upon the discussion of their several claims under the mediation of the United States. Maps were produced, and the boundary lines between the several tribes, consisting chiefly of water-courses, were finally adjusted, though not without much discussion. After a fortnight's negotiation, a peace was finally concluded between the tribes, and the tomahawk formally buried, for the first time for nearly a century."

"A portion of the Winnebagoes," however, "indicated hostile dispositions towards the whites, and finally attacked and murdered some American citizens. As these movements were regarded as proofs of a powerful combination among those tribes, great promptitude was evinced in suppressing the evil. Governor Cass at once applied to General Atkinson for assistance, and that officer ordered out six hundred of the army under him, and with a portion of the Illinois militia, moved to the scene of hostilities, when the Indians submitted and delivered up the murderers, eight in number, to take their trial according to the laws of the United States."

Barbour's plan of dealing with the aborigines was, the establishment of territorial governments for them, to the west of the Mississippi and Lakes Huron and Michigan; the settlement of voluntary emigrants there, leaving the rest in their old dwellings; and the amalgamation of the tribes, which involved the distribution of their property, the commutation of the annuities for fixed sums, the erection of village schools, and the supply of grain, stock, and other means of commencing agricultural life. A school had been set up at Michilimackinac, which was attended by twelve hundred scholars. The success, limited as it was, of these plans, was attributed to the seclusion of the Indians from the trading agents of Spain and Britain, who were held to have excited them to hostility against the United States, as we have too frequently heard. Three years afterwards, the Annual Register presents a very different picture of their condition than we should have expected.

"They were rapidly wasting away under the unchecked influence of the

causes, which, in peace, have produced such fearful havoc in the ranks of the red men. Intemperance, want, cold, and starvation, all combined to diminish the numbers and to debase the character of these unfortunate tribes, still lingering in the North-western States and Territories. Notwithstanding the efforts of missionaries and benevolent men, the expenditure of the government, and the care of the agents, their condition has daily grown worse. The rapid settlement of that region of country has brought the savage into contact with the frontier settler, before he has acquired habits of self-control, or become sufficiently advanced in civilization, to protect himself from the debasing influence and demoralizing example of that class, which generally forms the outskirts of society."

And on this account it was, as official history states, that "another plan was proposed, by which distinct reservations [to the west of the Mississippi,] were to be assigned to the different tribes, extending from the western boundaries of the Missouri and Arkansas to the Rocky Mountains, forming a territory, six hundred miles long from north to south, and about two hundred miles of habitable country in width. An Indian superintendency was to be established over the tribes, to preserve them in a state of peace, and to give them an idea of civil government." This, we say, is the official story; but, with greater candour, the reason assigned for the adoption of Barbour's first plan was "the reluctance of the Indians to dispose of any more of their territory,"—a reason which would be just as operative at a later time. Both plans, too, bear evident signs of having been devised for the especial purpose of getting over that difficulty, so that the title of the Indians to the lands they yet held might be "extinguished," as they said, without the appearance of violence.

Room must be made here for another passage, bearing upon this view of the case, from the Annual Register for 1827-9. "The plan now adopted, of colonizing the Indians beyond the Mississippi, was inconsistent with that hitherto pursued, of civilizing them, and rendering them a stationary people, dependent upon agriculture; and if carried into effect, would almost render nugatory the efforts and expenditures devoted to these ends. A much more serious difficulty arose from the conflicting pretensions of the Indian tribes, and the governments of the States where they resided, [This reference is to the Southern States, but the paragraph is introduced here, because of its connexion with the general subject.] urged, on the part of the latter, in the most unaccommodating spirit. Whilst these tribes, relying on the guarantee of the general government to their lands, and on their entire freedom from all control in the regulation of their domestic concerns, were advancing in civilization, and developing their capacity for self-government; the surrounding State governments were preparing to extend their jurisdiction over them, against the will [or, say, "plan,"] of the general government; and threatened to throw them back into a worse and more hopeless state than that of primitive barbarism." These facts most clearly explain the motives of that scheme for removing the Indians to the west of the Mississippi; which will require no further comment here.



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It was computed that in 1828 the number of the red men in the New England States was 2,526; in New York, 4,820; in Pennsylvania, 300; in Ohio, 1,877; in Indiana, 4,050; in Michigan, 29,450; and in Illinois, 5,900. West of the Mississippi, in the territory reaching to the Pacific Ocean, there were about 200,000.

The United States, but more particularly the northern section, has always afforded freest scope for the indulgence or trial of every conceivable crotchet in sociology. For the expression of political opinion, there is not perfect liberty; and, as we have seen in the course of this chapter, this restriction is extended to any custom or opinion which becomes associated with American politics. There appears to be the same jealousy, in this respect, here, where the majority constitute the absolute sovereign, (or under a *pleistarchy*,) as there is in certain states of Europe, where the absolute sovereignty resides in an individual person,—or under a monarchy. The utmost freedom, however, is accorded to the social experimenter, or heresiarch,—so long as he is willing to allow the same freedom to those who conform to the common views of things. We cannot pretend to record every fact illustrative of this proposition; but our narrative would be egregiously defective without any notices of these movements. Here are a few, taken almost at random, from the annals of these two administrations.

“The *Harmonists*, at their new settlement near Pittsburg, are paying great attention to the breeding of sheep and the manufacture of woollen goods. They will have nearly four thousand acres of land, for sheep walks.” This is in 1826, in Pennsylvania. In the same year, in Indiana, we are told, —“The establishment of Robert Owen, at New Harmony, is spoken of as in a flourishing condition; but unable to provide for all those who apply to become members of the society. Its present condition is thus described: The society has apparently assumed a more settled form; the lectures are better attended; and temperance and industry are enforced by precept and example. All sorts of dissipation are discouraged, but amusements abound. Swearing and the use of *hard* words seem as if abolished, among the older members of the community.”

Mormonism, according to the tale of its prophet and his earliest followers, really originated now. Orson Pratt informs us, that the final visions of revelation, enjoyed by Joseph Smith, occurred “on the evening of the 21st September, A. D. 1823;” that, on the following morning, the first sight of the records of the Lamanites was vouchsafed to him; “and on the morning of the 22nd of September, A. D. 1827, the angel of the Lord delivered the records into his hands.” Not that Smith appeared openly, so soon as this, in the character of the new Mohammed; in that *rôle* we shall meet with him in our next Book; but he was now engaged in elaborating the scheme and the means of his extraordinary imposture, and with scantier “properties,” than any *histrio* who ever attempted so great a part, making ready for his appearance on the stage, which has the whole world for audience or spectators.

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The year 1826 witnessed the formation of the American Temperance Society, the object of which was to do away with the use of ardent spirits, as drink, *entirely*; to promote temperance by means of complete abstinence from alcohol. As medicine alone were spirituous liquors allowed to the members of this society.

In July, in that same year, we hear of a council held by the Shawanese Indians, at Wapaughkonetta, for the purpose of prohibiting and abjuring the use of spirituous liquors among their nation, from and after that day. Their design was effectually promoted by the shame they felt at the report of a drunken brawl, at a tavern at Piqua, in which their head chief, Perry, had distinguished himself too greatly. The principal orator, Wee-will-a-pee, while apologizing to the citizens of Piqua for Perry's conduct, said, "We know strong drink was made for white men, as they know how to use it; but it makes Indians crazy; we therefore held an assembly of all our people to abolish the use of it among us." The citizens forgave the chief, and encouraged the Indians to discontinue the use of whiskey, and duly reciprocated all the friendly expressions of Wee-will-a-pee and his companions.

Our space,—the limits of which we have already considerably transgressed,—will not suffer us to speak, as we have usually, of the other forms of social energy and activity, displayed in these Northern States, such as the establishment of schools and colleges; in respect of which the period now treated of in no way falls behind the earlier times, whereof we have spoken at length. Neither can we dwell upon the distinguished men of these times. As we advance in our undertaking, and events press more thickly upon our notice, deeply though we regret it, we are compelled a little to change our plans. In contemporaneous history, except in a few splendid instances, it is of occurrences, rather than characters, that the historian must speak.

## CHAPTER V.

SOUTHERN OR SLAVE-HOLDING STATES.—STATES OF MISSISSIPPI AND ALABAMA.—TERRITORIES OF ARKANSAS AND FLORIDA.—MISSOURI.—THE PRESIDENT'S TOUR.—FILIBUSTERS.—SEMINOLE WAR.—REMOVAL OF THE INDIANS.—CONTROVERSY WITH GEORGIA.—SLAVE-TRADE IN DEFIANCE OF TREATIES.—TEXAS.

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REVIEWING, thus particularly, the affairs of the two great sections of the Union, we discover a most remarkable fact respecting "the Washington-Monroe policy" of these two Administrations,—it was, when fairly set before them, neither by the North nor by the South recognised as the expression

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or as the ideal of their political systems. Monroe's *prestige*, as the friend of Jefferson and Madison, together with the exhaustion consequent on the war, and the decay of one of the most powerful motives of the earlier party-contests, (which has been noted above,) admiration for France or England, and dislike of the other,—all these causes kept matters quiet during the period from 1817 to 1825. But as soon as John Quincy Adams was seen at the head of affairs,—his name awakening the suspicions of all true Democrats, the method of his election being of questionable constitutionality in the opinions of many, (though Jefferson himself had by the same means climbed to the seat of Washington,) his frank exposition of his predecessor's principles forcing all men to see how far Democracy had drifted in the course of a single generation, and his success in opposition to General Jackson being, in a statesman, all offences in one, as the majority thought,—then, too, was seen the hollowness of the political peace, which Monroe's panegyrists had so loudly proclaimed as the proof of his consummate ability.

In Congress the vexatious obstruction of every government measure showed the dissatisfaction of the real sovereign of the United States,—the majority. In the North, let this one fact declare what John Quincy Adams himself felt :—for the purpose of influencing the votes of the colleges in the election of 1828, he republished the story of his alleged discovery of British intrigues with the leaders of New England, with the design of severing those States from the national confederation,—that story, which covered Jefferson in his retreat from a position more hostile to Great Britain than he intended to take up in person ; and which was the most unpardonable attack upon the politics and politicians of the North, that could have been made, or devised. For the South,—the present chapter will show how little congeniality there actually was between it and the hybrid policy of these two Presidents. Our readers will not require from us an elaboration of this view of our subject ; to those whom such studies please, it will be sufficiently clear.

Authority was given by the last Congress under Madison for the assembling of a constituent convention in the Territory of Mississippi, that it might be erected into a sovereign State. And in the town of Washington, on the first Monday in July, 1817, forty-four representatives from the several counties included in it, met for that purpose. They sat for above five weeks, and on August the 15th, the frame of government they had constructed was accepted by the people.

By this constitution, the suffrage was conceded to free white males, twenty-one years of age, residents in the State for a year before any election, and for half a year in the district where the vote was to be given ; and enrolled in the militia, or legally exempt ; or having paid a State or county tax. The executive power was vested in a governor, chosen biennially ; a lieutenant-governor being also elected with him, to take his place if removed by any means, and to preside in the senate. The General Assembly was made to consist of a senate, of which one-third was chosen annually ; and a house of representatives, chosen year by year, not to exceed a hundred in number,



and the senators not to exceed a third of the number of representatives. This legislature was to meet annually. A supreme court was appointed at once, and it was left to the legislature to establish all other courts. The general assembly had the appointment of the judges, who were to hold office during good behaviour, till the age of sixty-five. Most to be noted, however, of all the provisions of this constitution, was the property qualification required for the governor and the members of the legislature; and the gradation making that for the governor double the qualification of a senator, and the senator's twice that of a representative;—by which the whole character of the democratic institutions of Mississippi was altered from that of democracy pure and genuine. But *this* in a Slave State could not have been expected. Thus constituted, this new sovereignty was admitted into the Union on December the 10th, 1817.

The same act of Congress which authorized this proceeding, severed from the Territory of the Mississippi a portion which it erected into a new Territory, called Alabama. The population here grew so rapidly, that on the 2nd of March, 1819, an Act was passed, authorizing the formation of a constitution, with a view to admission into the Union. In July a convention met at Huntsville, and on the 2nd of August, the constitution was accepted. It agrees so exactly with that of the sister State, Mississippi, that we need not offer any abstract of it. And on the 14th of the following December, Alabama was formally admitted into the Union.

On the day after, Congress gave permission to Alabama to constitute itself a State, the southern portion of the Missouri Territory was erected into a new Territory, and called Arkansas. It was organized soon afterwards on the second grade of Territorial government. An attempt was made, in the course of the debate on the Missouri question, to introduce into the Act relating to Arkansas provisos forbidding the importation of slaves, and arranging for the gradual extinction of slavery here; but it was not made *bonâ fide*, and it failed—as was proper. Arkansas was, however, so far involved in the Missouri affair, that its northern boundary line was taken as the extreme frontier, to the north, of the Slave-section of the Union;—Missouri, which lay to the north of it, being excepted at the same time, and other exceptions left for the slow but sure operation of time.

In another chapter we have related at length the story of the so-called Seminole war; and the efforts made by diplomatists and filibusters (under authority, and in opposition to it) to obtain possession of Florida. The ratification of the treaty whereby Spain ceded this province to the United States, which occurred early in 1821, has also been mentioned. On the 17th of June, General Jackson, who had been appointed first governor and military commandant, with the powers of the old Spanish governors, (and something more,) took possession of the Territory in the name of the United States, by the exchange of flags, and the customary formalities. It was an office exactly in accordance with Jackson's tastes and habits,—for he was executive, legislative, and judiciary, all at once; in fact, (as he afterwards used to call

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himself,) "the government;"—but it was not a good school for the Presidency.

Fixing his "head-quarters" at Pensacola, he issued proclamations and ordinances for the government of his jurisdiction; and was gratified by seeing the Spanish population rapidly disappearing, as a tide of genuine American immigrants poured in. It could scarcely have been expected that he should not come into collision with the old authorities;—but we will tell the tale in Monette's words.

"Apprehending a renewal of the evasions and artifices practised by the Spanish authorities, relative to the surrender of the Natchez District, in 1798, and relative to the factitious land-titles of Louisiana, Governor Jackson determined, by prompt measures, to suppress any such attempt. [There is a wonderful uniformity in the stories of the intercourse between the officials of the United States' government and the old officials or the people of every newly acquired tract of country. On one side, or on both, there has always been displayed great knavery; but the stronger party—the Americans—have always won, and always by some irregular means, which they vindicated by accusing the other party of underhand practices.] Having been informed that the ex-governor, Calleva, was about to transmit to Havana certain documents and archives pertaining to land-titles, in violation of the second article of the treaty of cession, he made a peremptory demand for their surrender, as the property of the United States. The ex-governor refusing to obey the demand, Governor Jackson issued an order for his arrest and confinement in the calaboose, and the documents were seized and taken from his house, where they had been boxed up for shipment. The ex-governor was then released.

"Castilian pride was touched, and several Spanish officers, resenting the indignity to their late governor, sent to Governor Jackson a strong remonstrance against his procedure. The governor, considering it an unwarrantable interference with his authority, and highly offensive in language, issued an order for their immediate departure from the country, on pain of imprisonment. Twelve of them were accordingly compelled to sail for Havana, with but little time allowed for settling up their affairs and disposing of their property."

The General retained his command till the following year, when the American population having increased so greatly as to include five thousand males, Florida was organized as a Territory, in the first grade of Territorial government. Three years later, in 1825, it was entitled to enter on the second grade. The white settlements were for the most part clustered round Pensacola, St. Mark's, Tallahassee, (which had been selected as the seat of government,) and St. Augustine; but the greater part of the country was still occupied by the native tribes of Indians; but of these we must speak again.

Of Missouri, and its erection into a State and admission into the Union, much has already been said; but we have reserved some notices of it for

this place. The number of its people in 1817 was about sixty thousand, including a large number of slaves, and they are thus characterized by Monette. "The American people, with American enterprise, laws, and institutions, are now prevalent; the old French inhabitants yielded to their influence, and became Americanised. Abandoning their former habits of an indolent village life, devoted to ease and amusement, they dispersed upon the fine alluvial lands, entered upon the active labours of agriculture and trade, and zealously engaged in the Anglo-American passion for the accumulation of wealth, by an energetic and persevering course of industry. Thus the Creole French assumed new life and enterprise, and gradually coalescing with the Anglo-Americans, became incorporated into one homogeneous people, reciprocally modified in character and feeling."

We have related the story of "the Missouri Compromise," but as we desire to afford every side an opportunity of speaking, we will borrow from Monette the following statement of the Southern, or *ultramontane* Southern, view of the matter.

"Louisiana, from its earliest colonisation, had not only tolerated and sustained the institution of negro slavery, but its very existence as a province, as well as its agricultural prosperity and commercial importance, for nearly a century, had been inseparably connected with the institution. [We must interpret this, for the benefit of our Northern readers. Our author really means that *such* "agricultural prosperity and commercial importance," as Louisiana had, it had *along with* the allowance of slavery. We must not attribute to him so idle an imagination, as that the trading importance of New Orleans, and the fertility of the alluvial region of the great western river, were the *consequences* of slavery; even if New England and the region north-west of the Ohio had not been abiding and incontrovertible disproofs thereof. As truly might it have been argued, that some intrepid warrior under the victor on the Plains of Chalmette, who had "sustained" the loss of some member in that well-fought fight; and consequently, whose "existence," "prosperity," and "importance," ever after, "had been inseparably connected with" his remediless loss; should be represented as so much the creature of his wound, that it might be advantageous to inflict on him "legally," and "by Act of Congress," another incurable hurt, for the purpose of enhancing all the good he had possessed, in spite of the first. Besides, the slavery of French and Spanish Louisiana was altogether different in its spirit from American slavery; and it was not perfectly clear that it had extended so far to the north as the Territory of Missouri.] By the laws and usages of Louisiana, under the dominion of both France and Spain, African negroes had been recognised as property, no less than real estate. [No doubt. That is the essence of slavery, whether of African or American negroes, or of any other race of thralls. Will our Northern friends observe the manly admission, that slaves in French and Spanish Louisiana had been held as "real estate;" because that was a point of vital distinction between slavery there and in the United States, where they had always been "chattels-personal"?)]



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The treaty of cession secured for the inhabitants of Louisiana, [and, “be it remembered,” that according to the theory, law, and practice of the American slave States, under the Constitution, *every five slaves* were reckoned as *three “inhabitants ;”*] protection from the United States, in the full enjoyment of their liberty, property, and religion, as inalienable rights. [On this, in fact, we have remarked, in an earlier page ; but let us note the terrible irony and self-inflicted pasquinade of this appeal to the “Treaty of Cession.” “Liberty,” “inalienable,” “property,” “rights,” “religion,” “secured in the full enjoyment,”—these are brave, but sadly ambiguous words. The three out of every five negroes, though inhabitants, had secured to them that inalienable right of liberty, the treaty mentioned ; but as property, they fall under some other inalienable right, (conflicting with, and victorious over, the former,)—and as for religion, we do not well know what it had to do with the matter.] Hence, Congress possessed no just right to disturb the relation existing between master and slave. [“*Hence ;*” as Shakspeare has it, “*Argal.*” Q. E. D.]

“Yet, regardless of the sacred obligation contained in a solemn treaty stipulation, [our author forgets that no “stipulation,” however “solemn,” can form an “obligation” to do *wrong* ; and no obligation to do wrong can be held as “sacred ;”] the enemies of slavery, chiefly in the non-slaveholding States, [where such are naturally to be looked for ;] opposed the legal extension of servitude beyond the limits of the original slaveholding States of the Union, [the irony of this passage is admirable ;] and required the Federal government to restrict its extension west of the Mississippi, as had been done north of the Ohio. They zealously and perseveringly urged, that the new States, by their constitutions, should exclude slavery. Hence, they required the people of Missouri to renounce it, or forfeit their right to admission into the Federal Union as an independent State.

“The friends of the South resisted the usurpation as a gross violation of vested rights, guaranteed to the people of Louisiana by the treaty of cession, and over which Congress had no rightful jurisdiction. [They overlooked, or forgot, the prior and grosser “violation of vested rights,” and “usurpation,” without which slavery could not be.] The capitol of the United States was the arena, where the contending parties met in fierce debate. The halls of Congress continued to be agitated for two years, while the angry conflict of opposing feelings and interests held the fate of Missouri in suspense, and for a time withheld from her the right of State government.

“At length law and justice prevailed over prejudice and error ; and the rights of Missouri were recognised, and the Missouri question was put to rest. [Mark again the irony of this writer. This cannot be all unconscious.] It was mutually agreed that the institution of slavery, on the west side of the Mississippi, should be recognised in the present State of Missouri, and no further north or west, but only south of latitude 36° 30’.”

So, on the 6th of March, 1820, by Act of Congress, the people of the Missouri Territory were authorized to hold a convention, and frame for them-

selves a State constitution, preparatory to admission into the Union ;—on the 12th of June, such a convention did meet at St. Louis ; on the 19th of the following month, the constitution which had been framed, was adopted ;—in the next year, 1821, on March the 2nd, the act providing for the admission of Missouri, as an independent and sovereign State, was passed ;—and finally, the President's proclamation on August the 10th, next following, announced that Missouri had complied with all the prescribed conditions, and was actually admitted as a member of the Federal Union.

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The constitution of Missouri was closely copied from that of Kentucky. It granted the suffrage to free white males, of full age, who had resided for a year in the State, and three months in the district where the vote was offered. The General Assembly consisted of a senate, varying in number from fourteen to thirty-three, elected quadriennially, half going out every two years ; and a house of representatives, never to exceed a hundred in number, and elected biennially. The executive power was vested in a governor, elected for four years, and ineligible for the four years next following his term of office. A lieutenant-governor was *ex-officio* president of the senate. The judiciary received their appointments from the governor, with the advice and consent of the senate, and held office during good behaviour till they attained the age of sixty-five. A supreme court, a chancellor, and circuit courts were created by the constitution ; other tribunals were left to the will of the legislature.

One clause of this instrument was interpreted by the Northern party as authorizing the legislature to prohibit the immigration of free persons of colour ; and the last stand against the admission of Missouri into the Union, was, as we have seen, made upon this clause. Had the Northern party been sincere in their advocacy of the cause of the negro, and in their maintenance of the Constitutional privileges of free citizens of the United States, whether white or coloured, there would have been an immediate change made in the laws of several of the Northern States, by which the liberty of the free man of colour was most vexatiously curtailed, and the laws would have been set in action to secure for him at once, and at least, all the privileges which were theoretically ascribed to him. No such steps were taken ; and though (as will soon be related,) several of the States to the north of "Mason and Dixon's line," did release themselves from the odium of being formally and by law Slave States, not one was logical or virtuous enough to carry out in its domestic institutions, the principles maintained by its Representatives in Congress, and deliver itself from all participation in the guilt and the woe, which in the Missouri debate they so strenuously denounced and opposed. In this way also was disclosed the real cause for the continuance, in the United States, of that great abatement to their claim to be regarded as the prophets of Freedom,—who could teach all nations what liberty indeed is, and herald its universal establishment. Some other remarks on this momentous subject we postpone for the present.

Monroe made two tours in the States now treated of. In the summer of

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1818, he visited the coast of Chesapeake Bay, now (apparently) with no other object than those professed—namely, of examining into the condition of the coast-defences, and selecting the site of a naval depôt. We learn with satisfaction, that he was “much gratified by the respectful attentions every where paid to him by his fellow-citizens;” but as he was at home, his journey not extending beyond the borders of Virginia, this was only what he had a right to expect. It could not be compared with the triumph of his Northern Progress.

Next summer he accomplished a wider circuit; proceeding to Charleston first, and thence to Savannah, Augusta, and other places in the Southern States; and returning through the Cherokee country to Nashville, and so by Louisville and Lexington, in Kentucky, to Washington again. We are not greatly concerned in the objects he had in view, regarding these tours as affairs in themselves very praiseworthy, but rendered perfectly needless by the brevity of the term of the President’s office; to which, mainly, we ascribe the rarity of them subsequently.

Enough has been related in the earlier chapters, both of the Filibusters, and their attempts upon the Spanish provinces; but we must formally recall the remembrance of their doings, here, because this class of American society, now (at least) was the growth of the Southern States, exclusively. We are not attributing to the North any special virtue, when we say this; the statistics of crime there would effectually refute any such *contresens*. But the *filibuster* could spring only where slavery, slave-breeding and trading, and all the accompaniments and consequences of these, were. The United States all together, however, have had to bear the reproach of his existence, and of his doings. Of the political party, to which his name has been given, we do not speak now; and we cannot stay to point out in minute detail the political relations and “principles” (or impulses,) of the filibuster himself, nor do we need, since they can readily be collected from our narrative.

In the same manner, for the facts of the Seminole War, or *Hunt*, we refer to the earlier part of this Book; but it, too, was so completely Southern in its character,—as the comparison of it with Harrison’s campaign of Tippecanoe will demonstrate,—that a passing mention of it in this place was imperatively required. And we may add to our former remarks upon it, that the approbation of the Cabinet and the President was secured by the efforts of John Quincy Adams (at that time Secretary of State,) alone. “He insisted that, inasmuch as the government had ordered him to pursue the enemy into Florida, if necessary, [he forgot, it seems, that they were *inhabitants* of the province:] they were responsible for the acts of the American general, in the exercise of the discretionary power with which he had been clothed;”—forgetting, as it further appears, that Jackson had exceeded his instructions in every particular! The General’s return for this service was both characteristic and appropriate; he opposed Adams *per fas et nefas*, at the Presidential election; he got up a false charge of corruption against him; he adhered to it, in spite of every proof to the contrary; and he harassed him



out of the Presidency, by an Opposition, which maintained an organized and factious resistance to every best and most useful measure proposed by the Administration.

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Whilst Congress was engaged in discussing this very subject, (for we may properly introduce at this point a few notices of this most remarkable "Tennessean;" who soon became the pattern man, and chief of the Democratic party;) Jackson was extending his influence and indulging his taste by a species of "progress" in the Middle States. The partisans who regarded "the Washington-Monroe policy" as too mild for America, were flattered and delighted by the attentions of the hero of Florida; whilst he (and in this he was copied by the bolder or more imitative of his personal attendants,) assured his admirers, with far more emphasis than propriety of language, that he would relieve some of the Members of the Legislature of their ears:—under "martial laws," or one of his "established principles in the law of nations," we suppose.

He seems (and herein he may be regarded as a *type* of the Southern men,) to have been no less energetic and unscrupulous, in the assertion of his own rights, than he was in the violation of those of others. Some instances have been given; another was publicly spoken of at the same time with the occurrences related above. When Graham was at the head of the War Department, for the sake of saving time and benefiting the public service, an order was sent directly to one of Jackson's subordinate officers, instead of being transmitted through him. He resented this by a general order, forbidding any officer under his command to obey instructions so sent to them; and the Administration was weak enough to allow so flagrant an act of insubordination to pass unnoticed. General Scott, who commanded in the North, called this act of Jackson's by the right name—*mutiny*, at a dinner table; and as, even under the best of all conceivable governments, human nature is pretty much the same as it is under less perfect polities, some not very noble spirit reported this to the delinquent himself. Jackson immediately wrote to Scott, and endeavoured by studied improprieties to provoke him to send a challenge; but Scott had courage enough, as well as sufficient prudence, to decline giving Jackson such an advantage.

The letters of Jackson were handed about by his adherents, during his tour in the Middle States, and Scott felt compelled to publish his own; and afforded his opponent an opportunity for triumphing, by descending to personal abuse, and by insinuating his belief that Dewitt Clinton had originally been the makebate; an insinuation which Clinton met by an indignant denial, whereupon Scott retracted it, and the matter dropped.

Early in the session of Congress, of 1827-8, one of Jackson's party proposed the adornment of the rotunda of the capitol with a painting of the battle of New Orleans; and thereby raised debate enough, as he intended;—for the proposal was merely for electioneering purposes, and was rejected by a small majority. Adams' friends immediately produced a "pendant" to this, and moved for a copy of the proceedings at a court martial, held during

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the campaign of New Orleans. Certain militia-men of Tennessee had been tried and found guilty of insubordination and mutiny, and were sentenced to be shot,—which sentence Jackson had caused to be carried into execution. The process was, in fact, informal enough; but there was no doubt as to the guilt of the men, nor as to the competency of a commander to do as Jackson had done. And Congress, although it was the national Legislature, partook in its individual Members, of the Democratic carelessness regarding forms of law we have repeatedly noted; and so, after much discussion, by which the General was only proved to be the man for his party, by a vote exactly the same as that which had rejected the painting, a long exculpatory statement was ordered to be printed along with the report of the trial; and the General was indirectly justified.

Internal improvements, and the Tariff, were the principal questions of national interest, on which the Southern States expressed a decided opinion, in opposition to Congress or the Administration; for these were the two most prominent “tests” of party policy under John Quincy Adams. And the resistance offered to the “American system” in the South led to one of the critical junctures for the Constitution, and the very existence of the United States. South Carolina was the focus of this irregular opposition to the government, but the entire South implicitly joined in it, and the greater part of it explicitly. We have not in this chapter to speak of the most violent manifestations, which occurred at a later period than we have reached;—but we must carefully describe the first displays, for the oppugnation which was at the outset so tempered and mild, grew at last to that height of contumacy which, as *Nullification*, was a new phenomenon for political philosophers to classify and explain.

Early in 1826, the legislature of South Carolina adopted a series of resolutions, by which they declared that Congress ought not to exercise the powers granted it, to effect objects not specified in the Constitution, nor to lay taxes for purposes not distinctly enumerated there,—that it has no power to adopt a national system of internal improvements, nor to tax one State for roads and canals constructed in another,—and that it was “an unconstitutional exercise of power, to lay duties to protect domestic manufactures.”

Virginia took up the same line of conduct the following year. William B. Giles there carried a series of resolutions, by which a committee was appointed for the purpose of inquiring into, and reporting upon, the limits of the jurisdiction of the State and of the general government, over the territory, persons, and things of the State; and the power of Congress to “violate the right of private property,” and to “take it from the owner and give it to another person, neither rendering public service;”—particularly with regard to the laws for effecting internal improvements and imposing a tariff. This committee was further charged to ascertain the extent of the violation “of the two great principles, upon which the Constitution of the United States is founded, to wit, generality and equality;” and “to report such measures, for the adoption of the General Assembly, as they shall think will most effectually

ally tend to arrest these usurpations ["of power on the part of the general government," that is to say:] to stay the hand of avarice and despotism, to reinstate the good people of this commonwealth in all their essential rights and liberties; and the government thereof, in all the rights granted and secured to it by the fundamental laws."

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In 1827, the excitement continued, but chiefly as part of the general agitation of the Jacksonian, or "advanced" Democratic party, against the Administration. South Carolina and Georgia were the most forward, by legislative resolutions, to protest against the protective tariff laws and schemes for internal improvement, and also against the "American Colonization Society," of which we shall speak again. Copies of these protests were sent to the governors of all the other States, and to both Houses of Congress.

About the same time that the convention of friends of the protective tariff was held at Harrisburgh, there was assembled at Columbia, in South Carolina, a rival convention, in which the principles of the opponents of Clay's system found free and clear utterance. It was maintained there, "that the protecting system was a relic of a monarchical [it was the offspring of the North;] and monopolizing policy, inconsistent with the principles of a free government:—that free-trade, in its most extended sense, is the true American policy:—that the consumer should always be at liberty to supply himself where he can do so cheapest; and that the objects to which industry and capital are to be applied, should be left to the free choice and sagacity of individuals; which will always conduct it into the most beneficial channels:—that if a business is profitable, it needs no protection; if unprofitable, it deserves none:—that taxing the consumer for the benefit of the producer, is unequal, unjust, and oppressive:—and that it is a grievance not to be patiently submitted to, and but too well calculated to bring on the dangerous inquiry,—*in what manner are the Southern States benefited by the Union?*"

Fired by the eloquence of Dr. Cooper, of Columbia College, the convention, in its memorial to the State legislature, declared "the national compact to be broken," and entreated them "to deliberate on the momentous question, and devise some means of freeing them from a yoke too heavy to be borne;"—and in its memorial to Congress, complained that "the tax laws to be enacted were in future to be, as for many years past they had been, not national, but sectional; so that the benefit of the Union to that State was becoming, daily, more dubious and disputable."

But in spite of this agitation, and these resolutions and protests, as we have seen, the offensive Tariff Bill passed; whereupon "the discussions, which had been sufficiently animated in Congress, became more so when freed from the restraints of legislative decorum. The ultra opponents of the Tariff now endeavoured to show, that the passage of this law was a violation of the Federal compact; and that it was the duty of the Southern States to act upon the subject, in their capacity of sovereign and independent States. If they remained quiet, their inevitable ruin was predicted. Great Britain, the



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principal consumer of their produce, would adopt retaliatory measures; and the closing of their chief market was portrayed as the inevitable consequence of perseverance in this policy." Thus, the South now became phil-Anglican, and repeated all that the North had said before the late war. But, most remarkably, although these representations, when made by the North, were held up as irrefragable proofs of treachery to the Union and collusion with the enemy, they betrayed no such parricidal spirit in the South!

This, however, is a very softened picture of the feeling which prevailed. "No events, since the commencement of the Revolution, so much resembled the tumultuous and disorderly proceedings of that period, as the excitement in the South, occasioned by the tariff." The unconstitutionality of the law, and its injurious tendency with regard to Southern commerce, as well as its partial and unequal operation, relatively to the two great sections of the country, were most warmly insisted upon. Newspaper editors adopted the most inflammatory style of writing; and declaimers, who were looked upon as orators, addressed to great meetings in different places, furious denunciations of the protective law. It was "a tax upon the planter, for the benefit of Northern and Western capital." "The Constitution, the palladium of our liberties, was violated." "The Federal Judiciary was not to be depended on." "The entire loss of the cotton market was immediately to follow the adoption of the restrictive system; and this sacrifice of Southern capital was to be made solely for the benefit of the Northern manufacturer." "It was time to calculate the value of the Union."

"The Southern States already contributed a disproportionate share for the benefit of common protection." "Was it to be endured, that a section of the Union, which, for a fourth part of a century, had furnished nearly all the exports, and paid the revenue of the government,—the transportation of whose productions to market had been already burdened by a tax for the encouragement of the navigation of New England,—was it to be endured, that it should be further taxed for the exclusive benefit of the other sections of the country?"

"With a numerical majority, which each succeeding census would increase, the manufacturing States were determined to sacrifice the real interests of the South to their own imaginary interests; and in spite of arguments the most irrefragable, they prostrated, by mere dint of members, the representation of the planting States, in the national Legislature." "Nothing remained but to devise some means of preserving the peculiar interests of the South from being sacrificed by the greater power of the Northern and Western States, guided as it was by cupidity and avarice." "All distinctions between the Federal and State governments would be abolished, and swallowed up in its constructive powers; the rights and local interests of the States depended upon the mercy of Congress; and the delicate relation between master and slave placed at the discretion of a majority, having no interest in its existence, no knowledge of its details, and only stimulated to abolish it by humanity without discretion, or by a fanaticism which regarded no consequences."

It becomes us to observe, in these condensed reports of the views now put forth in the South, how the manufacturing and exporting interests were brought into collision instead of the commercial and agricultural interests,—manufactures being the domestic aspect of commerce, and exports the commercial aspect of agriculture; so that the names, and not the parties, were new in the political arena. Nevertheless, the great change in parties since Jefferson founded the Republicans or Anti-federalists, was evinced by this repudiation of his Chinese policy, and avowal of the maxims of free-trade, by these leaders of the new Democratic Opposition. How intimately slavery was concerned in this free-trade movement, we did not require this open confession of it to prove; but we use the declaration to confirm the statements we have elsewhere made upon this head.

North Carolina protested against the Tariff, on the ground of its oppressiveness as a tax; and without denying to Congress the right to protect manufactures in that way, they accused it of “violating the spirit of the Constitution.” The legislature of Alabama “went somewhat further; and, first denying the constitutional power of Congress to lay duties expressly to protect manufactures, resolved that it was a palpable usurpation, and little less than legalized pillage of her citizens, to which she would not submit until the constitutional means of resistance were exhausted.” Virginia, not committing itself by such high language, nevertheless declared, that as there was “no common arbiter” for construing the Constitution, “each State had the right to construe the compact for itself;” but qualified this declaration by resolving further, “that in giving such construction, each State should be guided, as Virginia had ever been, [modesty, being an *individual* virtue, could not reside in a State;] by a sense of forbearance and respect for the opinion of the other States, and by community of attachment to the Union, so far as the same might be consistent with self-preservation, and a determined purpose to preserve the purity of our republican institutions;” and avowed its conviction that the protective tariff laws were unconstitutional, partial, impolitic, oppressive, and “ought to be repealed.”

“It was, however, reserved for the legislatures of South Carolina and Georgia to array themselves in opposition to the national government, on other subjects besides the Tariff; while on that, their hostility was carried to an excess which has not often been witnessed in the United States. In the former, the committee reported resolutions, declaring the tariff laws to be a violation of the spirit of the Constitution; that Congress had no power to construct roads and canals for the purposes of internal improvement; and no power to patronize, or make appropriations for the benefit of, the American Colonization Society. The legislature of Georgia confined its remonstrance to the tariff and internal improvement, but after declaring the Constitution should be so construed as to deny the exercise of these powers, declared, ‘that as an equal party to that instrument, it would insist upon that construction, *and would submit to no other.*’”

South Carolina seriously discussed the question, whether its Senators and

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Representatives should not abandon their seats in Congress. In some places the law, and effigies of its principal supporters, were publicly burnt. M'Duffie, whose name is familiar to us, on one occasion,—it was *after dinner*, and in reply to a toast,—made a speech “in which he represented the majority who had passed the law, as a set of desperate, unprincipled tyrants, who had bartered away the rights and interests of the South, for electioneering purposes; and having declared that such a state of things was insufferable, and that none but cowards would bear it longer, concluded with this toast,” which, unfortunately, was not only not original, but by its associations told precisely in the opposite way to that intended;—“Millions for defence, not a cent for tribute!”

Georgia was so happy as to have less violent politicians at its head; and though they could not and would not prevent the law in question from being declared unconstitutional and injurious; they got it upon record, that “as the Union was dear to them, it should not be jeopardied by any measures of an angry and violent character.” They also recommended the people of Georgia “to produce within themselves, as much as possible, the principal articles affected by the tariff.”

“The character of these proceedings, and the tendency of the arguments urged in their behalf,” says the Annual Register, “brought into discussion the peculiar claims of the Southern States, and their extraordinary construction of the Federal compact.” It declares, that “the simple question was,—Is the permanent national prosperity best promoted by the continuance of our commercial intercourse with Great Britain on its present footing, or by an alteration of its terms according to the details of the tariff?” which shows the correctness of the remarks we formerly made respecting this law.

With regard to the agitation against the law, and the pretences advanced by some of the Southern States to be themselves, for themselves, the final interpreters of the meaning of the Constitution,—pretences which are supported by no known ethical system;—the same work thus speaks. “The State legislatures have no power to declare this decision [of Congress, in passing the Tariff law,] unconstitutional. *This power is intrusted only to the Federal Judiciary.* [Disregard of this essential branch of the national government was, unhappily, one characteristic of the genuine Democrats, and their party, universally.] The State government is, indeed, invested with means to resist the execution of the law; but if the local authorities venture to exercise them, they must do it in violation of that oath, by which they are bound to support the Constitution of the United States; and by arraying themselves against the Federal authorities, they place the unfortunate citizens whom they represent, in a state of hostility with the rest of the Union, and [in the absurd position of] owing allegiance, *both* to the government which declares the compact violated, and to that which insists on its enforcement, and on a compliance with its obligations.

“The national government never contemplated such a state of things as possible. It provides only for a peaceable and judicial enforcement of its



provisions; but it intrusts the Federal government with the purse and sword of the nation, and imposes on it the positive duty of carrying into effect the laws of the land. [The next subject to be spoken of will somewhat illustrate this theory of the United States government.] These laws [should] operate over the whole territory of the Union, and must be enforced, [if they can,] according to the intention of Congress, in all parts of the country. The State governments may and often do protest strongly against particular Acts, as unjust and unconstitutional; but the habitual affection of their citizens to the Union, and their reverence for the laws, serve to keep these ebullitions within reasonable bounds, and prevent them from resorting to illegal opposition." Our only commentary on these last remarkable sentences, is the well-known adage,—“Offences are easily pardoned, where there is love at the bottom.”

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Our readers will do well to note the conclusion of this story as the annalist we have quoted from tells it, because it so well illustrates the vanity of political predictions. “The discontent, excited by the passage of the tariff, showed the fate of all sectional excitements of a similar character. After threatening rebellion, it sank into a note of violent remonstrance, and at last expended itself in angry murmurs.” When we arrive at the next Book, the deceptive nature of the signs here relied upon will be but too manifest.

And it was thus that the doctrine of “Nullification” originated; and from this time, partly as the consequence of the Missouri debates, partly as the result of this Free-trade agitation, a serious division dates between the North and the South. It is with unfeigned regret, we find ourselves unable to range ourselves with the advocates of Free-trade, in this contest. In this, as in so many other instances in the world’s history, the formula was sound, but the exposition of it, and the arguments resorted to for its support, were such as neither politics, nor political economy, pretending to hold by any consistent principles at all, could assent to or accept. Neither party was *true*, and as it ever happens in such cases, *the most untrue* carried the day;—and has kept it, we may add, to the present time.

How the State of Georgia became involved in a controversy with the Federal government, upon a private matter; how there were mixed up in the dispute the old Yazoo-lands’ question, the older jealousy of the aborigines, and the ineradicable Southern suspicion of the government—because at the head of it stood a man from Massachusetts; and how the upshot proved the vast discrepancy between the august theory of the United States’ Constitution and the reality; we now will relate, proceeding thus at once to the head of dealings with the Indians, in order to facilitate our readers’ comprehension of our general view of this portion of the country.

It will be borne in mind, that by virtue of its independent sovereignty, Georgia, which was one of the weakest States of the Confederacy, at the end of the Revolutionary war, (mainly because of the ludicrous contrast between the paucity of its citizens and the narrowness of its settlements, with the im-

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perial width of its "claims;") gave trouble enough to the central government, by resisting its demands for the cession of some parts of its vast and unoccupied domains; and that it stood out, though all the other States similarly circumstanced had ceded their "claims," and even raised new hindrances to the operation of the government by fraudulent land sales, until the year 1802, when a compromise was effected, the western boundary of the State was fixed, and the United States not only undertook to satisfy the claimants to the Yazoo-lands, but also to extinguish the Indian title to all the territory, yet in their possession, within the limits of Georgia, "as soon as it could be done peaceably, and on reasonable terms." This agreement was, undoubtedly, advantageous to the general government, both by putting an end to a difficulty otherwise insoluble, and by removing the worst obstacles to its measures for acquiring all the inland region of the natives, and erecting new States there. But it was still more advantageous, in proportion, to Georgia; as it settled its existing disputes with the general government and its neighbouring States, and with the Yazoo claimants, without any compromise of its dignity; and it secured to the State about twenty-five millions of unappropriated acres, then in the hands of the Creeks and Cherokees, without having to pay for them, or to be at any trouble respecting them. Such a compact, if made with a Northern State, we can well believe would have aroused the patriotic ardour of the South, much as the Tariff Acts did at a later period; and it would have been denounced as oppressive, partial, unjust, and unconstitutional—and "nullified" accordingly.

Fifteen million acres of these lands had been purchased from the Indians, and conveyed to the State of Georgia, before the year 1824; above nine millions and a half remaining in the possession of the Indians,—the larger moiety belonging to the Cherokees, and the remainder to the Creeks. And just before the termination of Monroe's Presidencies, at the solicitation of the governor, a commission had been appointed to conclude a treaty with the Creeks, for the purchase of their share, and the removal of the tribe beyond the Mississippi. These facts must be noted, for Senator Benton, evidently speaking in the name of his party, says,—“No time was limited for the fulfilment of this obligation, and near a quarter of a century had passed away without seeing its full execution. At length Georgia, seeing no end to this delay, became impatient; and justly so, the long delay being equivalent to a breach of the agreement; for although no time was limited for its execution, yet a reasonable time was naturally understood, and that incessant and faithful endeavours should be made by the United States to comply with this undertaking.”

But in conformity with a treaty, concluded with the Creeks before the compact with Georgia was entered into, the United States had endeavoured to civilize the Indians, and to persuade them to give up their wandering and savage habits, and settle on their lands as cultivators of the soil. And in this part of the country, (whether the efforts were more earnestly made, or the agents employed were more able than those engaged elsewhere; or whether

the aptitude of these tribes of the south for civilized life was greater, or that bugbear of the north-west—British influence,—was in reality a counteracting force to American philanthropy; here) assuredly, so much effect had been produced, that the red men were fully alive to the superior comfort and security of civilization, and were unwilling to encounter the hardships and privations of a return to the hunter's mode of living in the rude country beyond "the Father of Waters." Or, was it not that they felt as aborigines always do, and others beside them, that repugnance to the sale of their old lands, where their fathers had lived and were buried, which always grows in strength in proportion as it is perceived to be vain? Our remembrance of the Creek and Seminole Wars, and the part taken in them by these half-reclaimed savages, and a circumstance soon to be recorded, appear to us to point to such a reason, rather than to their sense of "the advantages of the arts and sciences, which had been introduced into their midst," (as Governor Seward writes,) as the cause of their unwillingness to give up their possessions in Georgia.

Whatever the cause, the efforts of the commissioners were to no purpose. A law was made at the general council of the nation, forbidding the sale of any more of their territory, on pain of death. They told the negotiators that they had no more lands than they wanted for themselves; and no present nor solicitations could induce them to return a different answer. But after the close of the council, when the great majority of the chiefs had gone away, some of those who remained, fifty in all, were persuaded by a famous chief named General William M'Intosh, to join him in ceding to the United States, by treaty, on their own responsibility, all the lands held by the Creek tribes in Georgia and Alabama. It was by this means that the treaty of the Indian Springs was concluded, on the 12th of February, 1825; and having been sent to Washington, it received the sanction of the Senate on the last day of the session and the Administration, March the 3rd.

"The time when this treaty was sent into the Senate," says the Annual Register, fully alive to the real nature of the transaction, "prevented a proper examination of the subject; and at the close of the session it could not have received the consideration to which it was entitled." But we entertain some doubts, in consequence of what was done subsequently, whether the treaty would have been rejected had a longer period being given to the Senate for its deliberations regarding it; especially as we learn from Benton, that the ratification *was* opposed on the ground that the treaty had been made "without the authority of the nation;" and that in spite of the complaints and opposition of "the discontented party," (of Creeks, that is to say,) the ratification was determined "by the strong vote of thirty-four to four."

When the Indians at home learned these facts, they were filled with indignation; a secret council was called, and it was resolved there not to accept the treaty, and to put M'Intosh to death, as an offender against the law respecting the further cession of land. On the 30th of April, a party of Indians, despatched by the council for the purpose, surrounded the delinquent's house,



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and shot him, with another chief, who also had signed the treaty. Whilst Governor Troup, on his side, contending that after the ratification of the treaty, the fee-simple of the lands vested in Georgia, and could be disposed of by the government of that State; called the legislature together, sent surveyors into the territory to divide it into lots, and arranged for the distribution of them amongst the white inhabitants of the country, by lottery; at the same time ordering out a body of militia to enforce the survey, should the Creeks offer any violent resistance.

The Creeks, finding the governor of Georgia determined to carry out the provisions of the treaty, prepared to defend their lands by arms; but at the same time sent a messenger to Washington, to inform the President of all the circumstances of the case, and to claim the protection of the general government. Adams, who had just entered upon his office, hearing these statements, and the complaints of Governor Troup against the Indian agent, appointed a special commissioner to investigate the affair; and at the same time ordered General Gaines to repair to the Creek country, with a competent force, to prevent the outbreak of hostilities. The result of the inquiry might have been anticipated;—it established the charges of bad faith and corruption against the authors of the treaty, and proved that the nation generally (“forty-nine fiftieths” of it, says the report, with extreme precision,) was opposed to it. The President therefore decided that the Creeks should not be interfered with, until the next meeting of Congress.

“All Georgia was in a flame,” says Benton; and the governor even threatened to take the execution of the treaty into his own hands; being encouraged by the sympathy expressed by the neighbouring States. But the President’s tone was so firm and decided, that he thought it better to leave the affair to be settled by the Constitutional authorities. Anxious, however, to avoid a collision with Georgia, which insisted upon the fulfilment of the fraudulently obtained treaty as “justice” to itself, Adams (whose sympathies, except on the score of humanity, could not be with the red men,) renewed negotiations with the Creeks. And in this he was helped by the appearance of a deputation from their grand council at Washington, sent to oppose the attempts of a party of M’Intosh’s followers to enlist the American government on their side. “This deputation was instructed not to admit, in any shape, the validity of the late treaty, nor the illegality of M’Intosh’s execution; but to fix upon some course by which the tribes might not be entirely removed from their country, and at the same time to enable the United States to perform its contract with Georgia.”

When Congress met at the end of the year, the negotiations were incomplete, but on the 24th of January, 1826, a new treaty was signed; by which the former treaty was declared void, and the Creeks ceded to the United States the greater part of their lands in Georgia, (but retained all their possessions in Alabama,) for a consideration far more liberal, and more equitably arranged, than that promised by the treaty of the Indian Springs. On the 5th of February, an account of these transactions was rendered to Congress

in a Message, in which the President declared his determination to fulfil the duty of protecting the Creeks, as the government was bound by the treaty of 1790, by all the force at his command. That this, however, he concluded, "will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time."

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The Senators from Georgia, and others who ranged themselves in the Opposition, were unwilling that the new treaty should be ratified; and the committee on Indian affairs, to which it was referred, reported against the ratification, through their chairman, Thomas H. Benton, on the grounds (as he himself tells us)—"that it annulled the M'Intosh treaty; thereby implying its illegality, [It is fervently to be hoped, that the opinions of Benton's party regarding treaties are not represented by this "objection."] and apparently justifying the fate of its authors;—because it did not cede the whole of the Creek lands in Georgia;—and because it ceded none in Alabama." Further negotiations were recommended, and on the last day of March, by a supplemental article, nearly the whole of the lands of the Creeks within the limits of Georgia were ceded to the United States, a tract of land beyond the Mississippi was provided for those who might choose to migrate thither, and the expense of the removal, and the means of subsistence for the first year, were guaranteed by the government. The ratification of the treaty, thus supplemented, was carried by a vote of thirty to seven; the minority consisting of Southern men, (three of them members of the committee which had reported against ratifying, originally;) who disapproved the implied censure on the authors of the former treaty. The Senators from Georgia also offered a protest against both treaty and ratification, which was entered on the Journal of the House. The Representatives who also were in favour of obtaining a cession of all the Indian lands in Georgia, nevertheless declared, that "the law of the land, as set forth in the treaty at Washington, ought to be maintained by all necessary, Constitutional, and legal means;"—and were nearly unanimous in voting the appropriations required to carry the treaty into effect.

Senator Benton tells a story about the negotiation of this Washington Treaty, intended to exhibit the fastidious purity of the principles of himself and his party; and the corruption of the members of the Administration. The sum of it is, that for the purpose of obtaining the consent of the chiefs to the cession of the lands of the tribe, presents had been promised to them personally, by the government. This had been done in other instances; and we cannot but think that had this treaty gone to the full length of the M'Intosh "compact," the Administration would have been praised for employing means so unobjectionable of procuring peacefully what Georgia wanted. As it is, the Senator says that he "recommended" the offer of presents, to induce the chiefs to agree to the supplemental article; and that he availed himself of their fear of losing what had been promised them, to obtain their consent, and then deprived them of the gifts by introducing a clause into the appro-

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priation bill, "directing the whole treaty money to be paid to the nation instead of the chiefs." Benton seems not to perceive that, granting this promise of gifts to the chiefs to be fraudulent and corrupt, the treaty of the Indian Springs is not thereby cleared of its rapacious and illegal character.

The spirit which animated Georgia was evident enough; but as if to make it more manifest to all, "at the commencement of the dispute, Governor Troup, in order to obtain support in other States, appealed to the peculiar sympathies" of their citizens, by accusing "the national government of an improper and unconstitutional interference with the slave property in the Southern States." But the grounds on which he based this accusation gave way beneath him, (the persons to whom the governor appealed denying that they had given any reason for such allegations,) and the votes in Congress showed, in spite of Benton's earnest and persevering advocacy, that the State of Georgia was almost alone in its view of the public matters which had been so hotly discussed.

An annalist of the Union, whom we have frequently quoted, thus severely comments upon the conduct of Georgia now. "This is the only State which, in a pecuniary view, has made a speculation out of the war of the Revolution. Its inhabitants, few and feeble at the commencement, bore but a small share in the toils of that war, by which an acquisition was made of a fertile territory, more than three hundred miles square, which no inhabitant of that State had ever seen. This territory was then thickly inhabited for an Indian country, by a people holding it by possession beyond the reach of human research, and commanded by a powerful prince. It was included within the limits of a charter which George II. had, some forty years before, given to Colonel Oglethorpe. The right thus acquired, being only the privilege of purchasing by fair means, of the original inhabitants, when they were willing to sell, Georgia has been repeatedly requested to give up to the United States, to constitute a fund to discharge the public debt, as all other States under similar circumstances had done. This she has always refused; and her sister States, in conjunction with her, she bearing only her rateable proportion, have expended more than twelve millions of dollars in defending her citizens and territories from M'Gillivray's invasions, and in fulfilling the terms of the compact of 1802; while she has thereby gained a territory, more than sufficient to pay her proportion of the expenses of the war by which it was acquired."

Georgia and its governor, however, seemed resolved to demonstrate the justice of the charges, which the proceedings of the President and the votes of the national Legislature involved against them. Accordingly, without waiting for the expiration of the stipulated time, Troup sent his surveyors into the Creek country, and bade them commence operations there. The Indians, relying on the faith of the United States, protested against this encroachment, and threatened to use force in resisting it. The governor, on the other hand, called out a militia force, to support his aggression. Adams thereupon, on February the 5th, 1827, addressed a Message to Congress, for



the purpose of having it determined whether any new measures were necessary; he being resolved to carry out the laws of the Union, by legal proceedings if they would suffice, but if not, by military force. Daniel Webster appeared, in the House, as the chief defender of the laws, the government, and the aborigines;—the report of the committee appointed by the Senate espoused the side of Georgia, but it was not discussed at all, in consequence of the adjournment; that of the Representatives' committee pronounced the Creeks entitled to protection, but recommended the purchase of another small strip of land, still held by them within the limits of Georgia;—and in consequence of this, the governor declared his submission to the determination of Congress, and Adams negotiated another treaty, which was signed on the 15th of November, by which the last possessions of the Creeks in that State were given up by them for ever.

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Only the Cherokee lands now remained in the hands of the red men; and Georgia had already resolved that they too should be taken from them; but before we speak of this matter, let us relate the use made of the Creek country.

More than four millions and a half of acres (forming five counties,) were divided into twenty-three thousand lots, of two hundred and two and a half acres each; the fractional sections being reserved to the State. If sold at the minimum price of public lands, this tract would have produced above five millions eight hundred dollars. Seventy-five thousand one hundred and fifty-three "draws" were made; and amongst the fortunate drawers of prizes were "sixteen hundred and seventy-two revolutionary soldiers, five hundred and seventy widows of such, forty-nine idiots and lunatics, and eight hundred and fifty-six illegitimates."

This was in the summer of the year 1827; and about the same time the local annals inform us that Habersham, the District Attorney of Georgia, resigned his office, "because he could not, according to his views of right and wrong, proceed against the surveyors of Georgia, for trespassing upon the Indian territory, as directed by the general government to do." Also we read of "a difference," which had "arisen between the commissioners of the United States and Georgia," respecting the boundary line dividing that State from Florida; and how the process of running the said line was "suspended by Governor Troup." For when once a disagreement has commenced, every thing that happens widens the breach; so true is it, that in all cases, "the beginning of strife is as when one letteth out water." There was great need of some accession of energy to the general government, for the continuance of the Union, or even for its disruption. But matters had to advance several steps beyond what we have seen, in the way of revolt against the constituted authorities, before the remedy could be applied. There was more truth than those wist, who voted for it, in that resolution of the legislature of Tennessee,—"that the surest remedy of these evils, now in the power of the people, is the election of Andrew Jackson to the chief magistracy of this Union." And so one Southern State discovered, as we in time shall learn.

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Although the Cherokee controversy did not end in the period we are speaking of, it will be more convenient to relate so much of it as falls within the limits of the Administration of John Quincy Adams, here, than to leave it to a future chapter.

This nation of Indians had long been distinguished for the progress it had made in the arts and habits of civilized life. "Advantageously situated in the north-west of Georgia, and extending themselves into Alabama and Tennessee, they occupy," says the Annual Register of this date, "a well-watered and healthy country, conveniently divided into hill and dale. The northern part is even mountainous; but the southern and western parts are composed of extensive and fertile plains, covered with the finest timber, and furnishing excellent pasturage." The Indians owned large herds of cattle, horses and swine, and numerous flocks of goats and sheep. They cultivated Indian corn, wheat, oats, potatoes, tobacco, and cotton; were successful gardeners, and had many apple and peach orchards. Their trade with the adjoining States was considerable, and they could take their cotton to market even in New Orleans. Handicrafts of various kinds were pursued, and blankets and cotton cloth were manufactured amongst them. Numerous flourishing villages might be seen in every part of their country, and there were many public roads, and houses of entertainment kept by natives, there.

Further even than this; a chief of theirs, Guess by name, had devised an alphabet, consisting of eighty-six characters; which answered its purpose so well, that a printing press had been established, and a newspaper! Nay, they so far copied the ways of the white men, that, in 1827, they organized themselves as an independent state, with a regular representative government, divided into executive, legislative, and judicial departments; and a written constitution! Trial by jury, religious freedom, schools, temperance in the use of ardent spirits, and respect for the female sex, also testified to the reality and extent of their civilization. Christianity was professed by them; and—saddest sign of all, for they had no captives taken in war, towards whom to display the first dawns of humanity,—they were slave-holders.

The framing of a constitution, without so much as asking the sanction of the Federal government, whilst they occupied part of the territory under its suzerainty, was a step of very questionable propriety. But no Southern State—and Georgia least of all, at the time,—could, without self-conviction, act as public accusers of the Cherokee nation, for this act of ultra-Democracy. The Indians might, most reasonably, have doubted, whether they should ever, under the immediate sway of the whites, be admitted to such political privileges, as they had learned to understand, and felt themselves entitled to. And yet the consequences of this virtual "declaration of Independence," which, if allowed, would have diminished the territory of three States, at least, and involved them in they knew not what collisions, might well have appeared to those States to warrant the most prompt and decisive measures. These results of the inconsistency between the political principles, which the United States had proclaimed as the basis of their own organization, and those

which they, with strong hand, enforced upon the weaker races, whom they could subject to their control; and of the necessarily false relations in which the citizens, the State authorities, and the general government of the United States, alike, stood to those races; deserve very serious consideration, from the statesmen of the Union; and the removal of the Indians to the Western Territory, though it has staved off, or even perhaps resolved, the "difficulty" occasioned by the residence of their tribes in the States, has by no means exonerated them from the duty of pondering this subject well.

One consequence of this false position, Georgia pressed upon Congress with the severe logic of selfishness. By its delegates, this State "denounced all attempts to civilize the Indians within their limits, by the government, as a species of double-dealing, calculated and designed to defeat the compact of 1802:—"for the advances made by the Indians in civilization "*put an end to any hopes of further acquisition* on any peaceable or reasonable terms." This, however, was not the only view taken of the subject.

"It was obvious," says the Annual Register, "so far as some of the civilized tribes were concerned, that the time was fast approaching, when it would be, not only the right, but the duty of the government, to extend its jurisdiction over them; and, exercising over their persons and property the salutary control of guardianship, to prepare them for admission to all the rights of American citizens. [The practical disfranchisement of coloured men, in States where the suffrage is not limited to *whites*, must be kept in mind, as we read this.] In changing so completely the existing relations, great caution and delicacy were requisite.

"To the preservation of the property of the Indians in their lands, the national faith was pledged. No construction of State rights could affect this guarantee. The treaty was the supreme law of the land; and any violation of its stipulations, more especially towards Indian tribes, depending solely on its sense of justice and the obligation of good faith, would justly expose the government to the indignation of the world. [This is not the sanction by which either righteousness or nobleness are cultivated.] Equal and even greater care was necessary, in determining upon their civil rights. The character of the nation was pledged to the world, that the aboriginal tribes within its limits should be treated with delicacy, kindness, and humanity. It had taken upon itself the character of their guardian, and it could not escape from this high responsibility.

"In yielding to the claims of the State governments, to extend their jurisdiction over all persons within their limits, the Federal government was bound to see that the civil rights of the Indians were preserved; that their condition was not rendered worse by the change. If that duty was performed, the national obligations were substantially fulfilled, and its integrity maintained."

"The whole question depended upon the character of the State legislation respecting the Indians; and when a State attempted to extend its jurisdiction over any tribes connected with the United States, by the ordinary Indian rela-



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tions, the general government became directly interested in its legislation over them, and entitled to be consulted in establishing its principles; until the Indians were amalgamated with the rest of the community. Any disregard of the principles of justice in extending State sovereignty over them; any appropriation of their lands without their consent; any diminution of their social comforts, or civil rights, by State legislation, would be a direct violation of treaties, and of the faith of the American people. No distinctions, drawn from the apportionment of the sovereign power, could avert this conclusion. The national faith was pledged by the Constitutional authorities; and the treaty stipulations must be substantially complied with."

Upon these considerations was based (so would our authority have us believe) the scheme for removing the Indians to the west of the Mississippi. This, however, is of little moment, in comparison with the clear judgment given in these paragraphs, beforehand, upon the case of the Cherokee nation, with which we are now concerned. For should the State of Georgia be suffered by the general government to carry on the designs we have discussed respecting the Cherokees and their lands, upon that government must the chief weight of the *odium* fall, as this writer says. To the proceedings of Georgia, first, we must look now.

This State, with Alabama as supporter and imitator, now claimed, with great show of reason, the uncontrolled and supreme jurisdiction over all the lands within its boundaries; arguing that two independent governments could not exist within the same limits. But the jurisdiction of the United States in Georgia and Alabama must have been excepted, in this argument, or the putting forward of such a claim was, in fact, a dissolution of the Union. The next step was practical: measures were taken to extend the civil and criminal jurisdiction of the State government over the whole of the Indian country included in the two States spoken of; and Congress was called upon to prohibit the Cherokees from exercising the rights of self-government under the constitution they had framed.

By the accomplishment of these measures, a complete revolution in the Indian relations of the Federal government would have been effected. The aboriginal tribes had always been dealt with by it; and had been treated as independent communities. But now they would be brought into connexion with the State authorities alone; they would at once be deprived of their independency; and be subjected to taxation without possessing votes,—contrary to the time-honoured and ever-neglected maxim, about the co-extensiveness of representation and taxation.

Little as Georgia, or the government at Washington, perceived it, this scheme for subjugating the Indians was precisely parallel to the attempt of Great Britain to tax the American colonies; which provoked the Revolutionary war, and amongst other remoter consequences, gave to Georgia the opportunity of demonstrating the purity of its love of independence, as clearly as its refusal to sanction the denunciations of slavery, which Jefferson had introduced into the Declaration of Independence, proved the heartiness of its love of liberty.

"A respectable delegation of the Cherokees," says the Annalist we have so frequently cited, "attended at Washington during the session of Congress in 1828-9, and presented a memorial to the War Department; in which they stated,—'that the legislature of Georgia, in defiance of the laws of the United States, and the most solemn existing treaties, had extended a jurisdiction over their nation, to take effect in June, 1830. That their nation had no voice in the formation of the confederacy of the Union, and had ever been unshackled with the laws of individual States, because independent of them. And that they could view this act in no other light, than a wanton usurpation of power, guaranteed to no State, either by the common law of the land, or by the law of nature.' This remonstrance being presented near the close of the Presidential term, its consideration devolved on the succeeding Administration, which supported the State claims." But the details of this part of the story must be left until we reach the events which were the fitting sequel to those we have recorded.

It was in December, 1827, that the laws of which the Cherokee delegation complained were passed by the legislation of Georgia; in the following month, a string of resolutions was recommended to the legislature by the committee to whom the consideration of this question was intrusted; the spirit of which (and that is all we need to be informed concerning now) may be inferred from a single specimen.—"*Resolved*, That Georgia entertains for the general government so high a regard, and is so solicitous to do no act that can disturb the public tranquillity, that she will not attempt to enforce her rights by violence, until all other means of redress fail." Such considerate concern for the peace of the commonwealth, none surely but a Slave State could show.

Ten years, however, before this date, on July the 8th, 1817, and again on February the 27th, 1819, by two treaties, the Cherokees had ceded to the United States some considerable tracts of land, lying for the most part in Tennessee and Alabama; and by the former, whilst some were engaged to follow the pursuits of civilized life, "the deputies from the lower towns" are represented as declaring "their wish to continue the hunter life, and also the scarcity of game where they then lived, and under those circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States." For Barbour, as we know, was not the originator of that proposal to transfer the Indians to the territories of the far west; although he devised the notable scheme spoken of in the last chapter.

Senator Benton finds sundry objections to a treaty negotiated at Washington in May, 1828, with the Cherokees, by which the old boundary-line of Arkansas, to the west, was re-established; the new line, defined by Act of Congress in May, 1824, being abolished. He objects to the annulling of an Act of Congress by an Indian Treaty; but still more to the change of the tract thus cut off from slave soil into free, and that "by a strong slave-holding vote." "It was a Southern measure," too. But even this did not fill up the cup;—"I have said," exclaims the "Hawk of Missouri," "that the amputated part of Arkansas was an organized part of the Territory, divided into

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counties, settled and cultivated. Now, what became of these inhabitants?—their property? and possessions? They were bought out by the Federal government. [*Horresco referens!*] A simultaneous act was passed, making a donation of three hundred and twenty acres of land (within the remaining part of Arkansas) to each head of a family, who would retire from the amputated part; and subjecting all to military removal that did not retire. It was done. They all withdrew. Three hundred and twenty acres of land in front to attract them, and regular troops in the rear to push them, presented a motive power adequate to its object; and twelve thousand square miles of slave territory was evacuated by its inhabitants, with their flocks, and herds, and slaves; and not a word was said about it; and the event has been forgotten.” This concluding statement will satisfactorily account for all that our readers will find extraordinary in this narrative; and perhaps was intended to do so by the writer. But Benton’s feelings have experienced some shock, in connexion with this Indian question, for elsewhere he says,—“It was evident that the execution of the whole plan” of Indian removal beyond the Mississippi “was in the hands of the free States; and nobly did they do their duty by the South.” Or may it not be explained by the Southern spirit which animated the Northerners in their dealings with the red men? There is something out of the common track, when such a politician praises the North.

Barbour’s report in 1826, estimated the number of Indians in the Southern States thus; in Virginia, 47; North Carolina, 3100; South Carolina, 300; Georgia, 5000; Florida, 4000; Alabama, 19,200; Mississippi, 23,400; and Tennessee, 1000.

Besides the tribes we have mentioned, there were the Choctaws and Chickasaws in this part of the States, with whom arrangements were to be made for removing them to the Western Territory. The latter consented upon the following conditions;—“that after visiting and being satisfied with the country, they should receive acre for acre, and similar improvements should be made there at the expense of the United States, as existed on the territory they now owned; a territorial government to be established over them, with a suitable force for their protection, to be kept up at the expense of the United States.” But after having visited the lands beyond the river, they were not so well pleased as the Creeks were, and had not given a final reply to the government, before the end of Adams’ Presidency. We need not specify other treaties and cessions; nor enter minutely into the earlier stages of other negotiations. The result of the whole that had been done, will appear from the following estimates respecting the lands in the several States, in the year 1828.

Out of five and thirty millions and a quarter of acres in Florida, the Indian title to four millions only remained unextinguished; but little more than a quarter of a million acres had been sold, and nearly thirty millions remained in the hands of the government. In Alabama, nine millions and a half, or little more than a quarter of all the lands of that State, remained in



the possession of the aborigines; but no more than three millions and a quarter had been purchased; half of the entire tract was unsold. Not half the lands in Mississippi were freed from the Indian title; and the greater part of it was still unappropriated. Arkansas, after the amputation which Benton so sorely bewails, retained nearly twenty-nine million acres, unencumbered by Indian title; having lost by Act of Congress of the 6th of May, 1828, (not by Indian Treaty,) just four millions and three-quarters: but the sales were insignificant, and twenty-six millions and three-quarters of acres remained unsold. Missouri was wholly cleared from the claims of the aborigines; but less than four million acres, out of nearly forty, had been appropriated by sale, or grant, or in any other way. The activity of the South does not show to advantage beside that of the other section of the Union, when tried by this test: so great is the difference between the spirit of enterprise, where man relies upon the strength of his own arm, and where he relies upon the nerveless arm of a thrall.

We have seen a claim put forward by Massachusetts, for payment on account of militia service during "the Second War," rejected by Congress, although it was one against which no valid objection could be urged. We must now see how Congress treated a claim of the same nature, on the part of Georgia, for services in 1792, 3, and 4. This favoured State, whilst engaged in that dispute with Congress respecting its "claims," with its habitual independence "nullified" a treaty made by Washington's Administration with the Creeks, because it was not so favourable to itself as one it had negotiated, contrary to the Articles of Federation. And to demonstrate its determination, assembled its militia, and commenced a war with the Creeks, which was terminated by another Indian treaty, agreeing with the one that had been "nullified." The compact of 1802 was understood to have settled all questions of pecuniary claims, between this State and the general government; and assuredly, the self-confidence which could at any time demand payment of expenses incurred in a war which was an act of rebellion against the general government of the nation, must be stupendous. Georgia possessed at least this virtue, and it was rewarded, in the session of 1826-7, by the appropriation of near upon a hundred and thirty thousand dollars for these most remarkable "services."

In 1826, North Carolina displayed a spirit of the State-rights feeling, after the Southern fashion,—a petition being sent to the governor, begging him to call the council of State together, and advise the laying of an embargo upon all kinds of provisions, to prevent their being exported from the State "during the present and ensuing seasons."

We also read of modifications of the Judiciary systems of Kentucky and Tennessee;—of a "Jew bill" in Maryland, which soon became law;—of the introduction of a new civil code into Louisiana, in 1825, and the abolition of Roman, French, and Spanish law there, three years later;—and of "relief laws," enacted by Kentucky, by which debtors were released from their obligations so far as to enable them to evade payment for long periods,—a peril-

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ous experiment ; perhaps the most perilous of all forms of legislative tampering with commercial credit ; as every community which has tried it too well knows. Of failures in attempts to amend the constitutions of several of the States we do not speak ; but one change in the quality of the constituencies of the different parts of Virginia, which led at last to a revision of the State-polity, is of sufficient interest to be mentioned.

“ In 1776, there was some equality in the population of the several counties, so that there was no manifest inequality in representation,”—each county, by the constitution adopted in that year, being entitled to two representations. “ In the lapse of time, however, the large western counties have been filled up with settlements, while the eastern counties, with exhausted soil, have become less populous.” “ In the eastern part, the inhabitants are divided into two classes, planters and slaves. There are no middle men ; no yeomanry. The west was settled by farmers, who tilled the soil with their own hands. The consequence is, that by the limitation of the right of suffrage to freeholders, the political power of the State is vested in the hands of a few planters, who control the eastern counties.” These facts will explain much that has been objectionable in the policy and measures of Virginia.

From the “ Thirty Years’ View ” of Senator Benton, we borrow the following story, with his elucidations. “ The advantage of giving land to those who would settle and cultivate it was illustrated in one of my speeches, by reciting the case of ‘ Granny White ’—well known in her time to all the population of Middle Tennessee, and especially to all who travelled south from Nashville, along the great road, which crossed the ‘ divide ’ between the Cumberland and Harpeth waters, at the ever-green tree which gave name to the gap—the Holly Tree Gap. The aged woman and her fortunes were thus introduced into our Senatorial debates, and lodged on a page of our parliamentary history, to enlighten, by her incidents, the councils of national legislation.” And the Senator proceeds, with undisguised satisfaction, to quote one of his own speeches, to this effect.

“ At the age of sixty, she [the aforesaid “ Granny White,”] had been left a widow, in one of the counties in the tide-water region of North Carolina. Her poverty was so extreme, that when she went to the county court to get a couple of little orphan grandchildren bound to her, the justices refused to let her have them, because she could not give security to keep them off the parish. This compelled her to emigrate ; and she set off with the little boys, upon a journey of eight or nine hundred miles, to what was then called ‘ the Cumberland Settlement.’ Arrived in the neighbourhood of Nashville, a generous-hearted Irishman (his name deserves to be remembered—Thomas M’Corry,) let her have a corner of his land on her own terms,—a nominal price and indefinite credit. It was fifty acres in extent, and comprised the two faces of a pair of confronting hills, whose precipitous declivities lacked a few degrees, and but a few, of mathematical perpendicularity. Mr. B. [our author means himself ; but his bashfulness becomes him, after so poetical and perpendicular a flight, as that in the preceding sentence ;] said he knew it

well, *for* he had seen the old lady's pumpkins propped and supported with stakes, to prevent their ponderous weight from tearing up the vine, and rolling to the bottom of the hills. There was just room at the base for a road to run between, and not room for a house to find a level place for its foundation; for which purpose a part of the hill had to be dug away. Yet, from this hopeless beginning, with the advantage of a little piece of ground that was her own, this aged widow, and two little grandchildren of eight or nine years old, advanced herself to comparative wealth: money, slaves, [alas, for Granny White! had she forgotten her own day of distress, when, lest she should lose her boys, she left her home, not knowing whither she went?] horses, cattle; and her fields extended into the valley below; and her orphan grandchildren raised up to honour and independence;—these were the fruits of economy and industry, and a noble illustration of the advantage of *giving land to the poor*. [That advantage might be extended to the negro, with the happiest result!] But the Federal government would have demanded sixty-two dollars and fifty cents for that land, cash in hand; [and Senator Benton would have charged the government with partiality and corruption if it had not;] and old Granny White and her grandchildren might have lived in misery and sunk into vice, before the opponents of this bill [what bill it was, concerns us little, now;] would have taken less." Hard-hearted government!

Nothing needs to be said here of the advance of the ever-moving population westward, into the newly organized Territories and States, further than that the current never flowed so rapidly, nor with so full a stream, in the slave section of the Union, as it always has done in the northern half: except (as we have observed already, when speaking on this subject,) at the very borders of the free section; where something of the same personal energy, that always characterizes the movements of the population unencumbered with slaves, obtained. We now turn to the trade of the South; and first of its great staple—Cotton.

Owing in part to the greater extent of land planted with this valuable article, and in part to improved methods of culture, the quantity grown in the United States increased continually. In 1817, the whole growth was estimated a hundred and ninety-five millions of pounds, of which some two-thirds, valued at twenty-two millions of dollars, was exported. In 1828, the whole growth had risen to three hundred and twenty-five millions of pounds, of which the same proportion was exported. But though the actual exports at the latter date were double those of the former, the value was precisely the same! A fact, this, of most momentous significance, for those who consider the bearings of this trade upon the unhappy thralls, on whom the heaviest pressure, in every fluctuation, invariably falls. About the middle of the period included between those dates, the growth of the United States was a third of the whole quantity produced in all the world. Sea Island Cotton, being the produce of a limited tract of country, never rose above fifteen million pounds in quantity, and usually averaged about nine millions; the actual amount depending entirely upon the season. The total quantity imported into Great



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Britain in 1817, was a hundred and twenty-six millions and a quarter of pounds, and in 1828, two hundred and twenty-two millions and three-quarters; whence the importance of a good understanding with Great Britain, for the Southern States, can be easily deduced.

The success of Kinsey Burden, of Colleton, South Carolina, as a grower of cotton, has been commemorated; but during the period we now speak of, it surpassed all he had before attained. "His crop of 1826, in sixty bags, brought in market a hundred and ten cents *per lb.*, and his crop of the following year, a hundred and twenty-five cents." The average prices of ordinary cotton being, for those years, eleven cents, and nine and a half, and Sea Island cotton, on an average, being worth two hundred and fifty *per cent.* more than the other sorts; these samples must have been four times more valuable than the average of Sea Island cotton in those years. "Mr. Burden's wonderful success excited quite a sensation, but his secret was kept closely for many years. William Elliott suggested that it might be in the character of the seed used; and upon the hint several set to work. Hugh Wilson, amongst the most successful of these, realized in the ensuing year, [1828,] a hundred and twenty-five cents *per lb.* for his product." The average of ordinary cotton in that year was ten and a quarter cents. "Two bags of extra fine cotton, raised in 1828, brought two dollars *per lb.*; the highest price, says Mr. Seabrook, obtained in this, or any other country from which cotton wool is exported."

Amongst the laws relating to cotton, our readers may be amused by being informed, that in 1822, an act was passed in the legislature of South Carolina, "to prevent the fraudulent packing of cotton;" and that very soon afterwards it was decided, that pouring in an undue quantity of water was forbidden by this act; but that the packing a bag with inferior cotton inside, and good cotton all round, was not! In 1826, too, an act was passed "to make the fraudulent and secret taking of cotton from the field, before severance from the soil, larceny:" nevertheless, after an elaborate discussion it was decided, that as nothing was said in the body of the act to limit that taking of cotton "before severance," but instead the more comprehensive phrase "shall take from any field" was used, to take cotton "before severance" was *not* larceny, according to this act! Such is law, statute and other, in the South, on a matter which, we might have supposed, was of sufficient interest to make it exact, and even exacting, regarding it!

Rice, which is another product of the South, is a very fluctuating crop, in respect of exports. During the twelve years we treat of, the quantity exported varied from seventy-two thousand tierces, to a hundred and seventy-five thousand; and the value, from three millions and a quarter of dollars to under fifteen hundred thousand,—the higher value commonly, but not always, accompanying the lesser exports. In 1826, there was introduced a superior method of "dressing" rice for sowing, called "claying;"—which consisted in steeping the seed in clayed water. The advantage being that particles of the clay adhere to the rough husk of the seed in sufficient quan-

tity to make it stick to the earth when the field is flooded, and in consequence it is not washed away. The average value of the export trade in tobacco, to the United States, was six millions of dollars, at this time; and the quantity exported, manufactured and not, ranged between sixty-two hogsheads and a hundred. Sugar was imported, in quantities varying from fifty-one million pounds to ninety-four, though it was produced in the South.

In November, 1827, the legislature of Georgia made an effort to stimulate the flagging industry of the State. The Pine Barrens were pointed out as places where silk and wine might be produced; the cultivation of tobacco, indigo, madder, the white poppy, and various kinds of grass was proposed; and it was recommended to turn certain large tracts of country, then useless, into sheep-walks. Various premiums for success in these respects were proposed. The cultivation of the plant yielding castor oil was commenced in the same State about this time.

We read of four companies for the manufacture of cotton being incorporated in Virginia, in the year 1828. And in 1826, the Maryland Institute exhibited "the products of domestic industry" of that State, and amongst them, "chemical preparations, cloths, cassimeres, and satinets, various sorts of cotton goods and carpeting, saddles and harness, leather of different kinds, currying knives, fire brick, paper and paper hangings, articles of iron ware and castings, sideboards, tables, pianos, &c., stone and earthen ware, gloves, lace, silk, worsted, straw bonnets and plaitings, oil cloths and carpets, shovels and spades, and many other things, most of which were of superior workmanship, quality, or beauty."

Of the discoveries of gold in Virginia, and the other States similarly situated with respect of the Alleghanies, we need not speak here. The quantity obtained was not enough to make itself felt in commerce, nor to attract many from the ordinary pursuits of life. The mineral treasures of this region, except near the borders of the Free States, did not receive so much attention as they deserved; and present no facts or features requiring our notice.

Canals and railroads were not unknown, either as means of communication, or as grounds for speculation, here. But the *bonâ fide* undertakings of this nature could not be compared with those of the North. The navigation of the great rivers of the West by steamboats was the principal advance made now. Witness the following. "Franklin, (Booneslick,) May 19, 1819. *Arrival of the Steamboat.* With no ordinary sensation of pride and pleasure we announce the arrival, this morning, at this place, of the elegant steamboat, Independence, Captain Nelson, in seven *sailing days* (but thirteen from the time of her departure,) from St. Louis; with passengers, and cargo of flour, whisky, sugar, iron castings, &c.; being the *first* steamboat that ever attempted ascending the Missouri! She was joyfully met by the inhabitants of Franklin, and saluted by the firing of cannon, which was returned by the Independence. The grand *desideratum*, the important fact, is now ascertained. —that steamboats *can* safely navigate the Missouri." And in 1827, Nashville, in Tennessee, ascribed its rapid growth to the fact, that twenty steam-

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Perhaps we may be permitted to quote part of the account of the commencement of the Chesapeake and Ohio canal, which was made with due solemnity on the 4th of July, 1828; the President taking a conspicuous part in the ceremony. It was made an occasion for the display of as much "state," as the genius of the Federal institutions would allow, the Heads of Departments, the Foreign Ministers, and the Corporations of Washington, Georgetown, and Alexandria, being present, as well as the Directors of the Company, and a great concourse of citizens. The principal actors and partakers in the pageant, having reached the place by water, went from the boats to the spot in procession. There, in the midst of the multitude, the Mayor of Georgetown handed to the President of the Canal Company a spade which had been selected for the purpose of breaking the ground; who with a becoming speech presented "the consecrated instrument" (as we find it called) to John Quincy Adams, and he "with an animation of manner and countenance, which showed that his whole heart was in the thing," also addressed the multitude. With his speech we are not concerned; it was of the kind known to all men, pleasant to listen to, and fitting for the occasion. But when he struck the spade into the soil, an incident occurred, "which produced a greater sensation than any other" which marked this auspicious day. The spade came in contact with a root, and was prevented from penetrating the ground so emblematically as the speaker intended. "Not deterred by trifling obstacles from doing what he had deliberately resolved to perform, Mr. Adams tried it again, with no better success. Thus foiled, he threw down the spade, hastily stripped off and laid aside his coat, and went seriously to work. The multitude around, and on the hills and trees, who could not hear because of their distance from the open space, but could see and understand, observing this action, raised a loud and unanimous cheering, which continued for some time after Mr. Adams had mastered the difficulty."

When the President concluded his speech, a national salute was fired by a detachment of United States' artillery, posted on the ground, and other speeches were made; and then the spade was taken by other celebrities, and other sods were dug; and the procession returned in the same way it had come, when all was over.

Our space will not allow us to speak of the Banks of this part of the Union, nor of the opposition to the United States' Bank, which was offered in some cities and regions of the South. These matters must of necessity form a principal part of the next chapter devoted to this section of the country; and on that account, we may the more readily omit them here.

But we must notice a new and adventurous branch of trade, which was commenced in the times of Monroe and Adams,—the Santa Fé trade, across the Western Prairies. The expeditions of James Pursley, who did not return, preferring the esteem of being a *rico* at Santa Fé, to being punished as a rogue in the States; of Captain Pike; and of Macknight and his com-



panions, we will not speak of. The route was first fairly attempted by Captain Becknell, who set out in 1821, with four companions, to trade with the Comanches, and were persuaded by some Mexican rangers, whom they fell in with near the mountains, to accompany them to Santa Fé. The reports they brought back, of prodigious profits to be realized, incited others to follow in their track. In the May of the succeeding year, Colonel Cooper headed a company who made a safe and prosperous journey to Taos, some sixty or seventy miles north of Santa Fé. Becknell setting out some time afterwards, and hoping to find a more direct route, lost his way, but after great sufferings, also reached Taos. "In 1824, a company of traders, about eighty in number, among whom were several men of intelligence from Missouri, employed pack-mules, and twenty-five wheeled vehicles, of which two were stout road waggons, two carts, and the rest Dearborn carriages; the whole conveying from twenty-five to thirty thousand dollars' worth of merchandise. The caravan reached Santa Fé with much less difficulty than was anticipated from a first experiment with wheeled vehicles."

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"In those years," says Benton, of this Prairie Trade, "it had grown up to be a new and regular branch of interior commerce, profitable to those engaged in it, valuable to the country from the articles it carried out, and for the silver, the furs, and the mules which it brought back; and well entitled to the protection and care of the government." And as if perceiving, that for a Democrat to require government to protect trade, was to give an advantage to his political opponents, he specifies—the obtaining of a right of way, by treaty, from the tribes occupying the Prairies, the marking out of a road across that trackless region, and the establishment of consuls in the countries traded with. And by the end of 1825 these suggestions had been carried out, as far as the boundary of the United States' territory, towards New Mexico.

"The early traders seldom experienced any molestation from the Indians, and generally crossed the plains in detached bands." But "this peaceful trade did not last long, and the traders are said not to have been innocent of having instigated the hostilities of the natives." Gregg, whose experience in the Prairie Trade has rendered his little book an authority, relates many rencontres between the traders and the Indians. One instance we may abridge from his work, as an illustration of this part of the subject. In the fall of 1828, two young men, who had carelessly laid down to sleep on the side of a river, were shot by the Indians, with their own guns, within sight of their caravan. One of them did not die till the Cimarron was reached, forty miles nearer home. Just as his companions concluded his funeral, six or seven Indians appeared on the other side of the river. Most probably, they did not so much as know what had happened. Some of the traders were desirous of parleying with them, others were "burning for revenge." Perceiving the hostile movements of some of the white men, the Indians turned about, and attempted to escape. One shot fired at them, wounded a horse, and brought the Indian to the ground, "when he was instantly riddled with balls."

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Another discharge followed immediately, and only one of the red men got away to tell the tale to his tribe. The caravan was pursued by the savages to the Arkansas, and there plundered of nearly a thousand head of horses and mules. Another caravan of some twenty men which was not far behind, had one man killed, and every animal they possessed taken from them. Nor was this all,—for many successive years the Indians continued to wage war upon the treacherous “pale faces.”

Occasionally, too, great loss would be experienced from a *stampede*, which sometimes took place in the day, at the sight of a herd of buffalos. Indeed the spirit of adventure which animated these traders, and the personal courage and skill in the use of martial weapons which they were compelled to exercise, assimilate them very strongly to the merchants of the middle ages in the Old World;—except in one particular,—the latter were the agents of civilization, for the most part unconsciously, yet some with sympathizing intent to be so; whereas these of the Western World were moved by the love of extravagant profits for themselves mainly, and whilst they bestowed little beside rifle balls upon the uncivilized tribes, through whose territory they passed, knew of no greater blessing for the people they traded with than “Annexation,”—which also came in due time.

From the summary statements of the commerce of the several States, we extract the following, for comparison with former periods, and with the States of the Northern section. The exports of Maryland, in 1817, were worth nearly nine millions of dollars; and in 1828, only half that sum. Those of Virginia in the former year, exceeded five millions and a half in value, and after rising above seven millions, and falling to little beyond three, were estimated, in 1828, at something more than three millions and a quarter. North Carolina exported not quite one million’s worth of produce of all kinds, in 1817; and but little more than half a million’s worth, in 1828. The exports of South Carolina, like those of Virginia, were very fickle in amount: they rose from above ten millions and a quarter, in 1817, to nearly eleven millions and a half in the following year; then sank to less than seven millions, in 1823; two years afterwards, they exceeded eleven millions, and in 1828, sank to six millions and a half. Georgia shows an amount of more than eight millions and three quarters’ worth of exports, in 1817, and above eleven millions, in 1818, but in 1828 they had fallen almost to three millions. The exports of Louisiana, nine millions in value, in 1817, reached nearly thirteen millions in the following year; and after falling to seven and a quarter, by 1828 had become very nearly twelve millions.

Taken in conjunction with the fluctuating policy of the American government, in respect of commerce, these facts are sufficiently instructive. The decreasing value of the Southern staple, and the constantly increasing quantity produced, together with some seasonal variations, also show their effects.

Vincent Nolte, amongst his adventures during “fifty years in both hemispheres,” encountered some in the United States, which may prove both instructive and amusing to our readers, in relation to the subject now before us.

Lafayette arrived at New Orleans in the very crisis of the cotton speculation-fever, or madness rather, of 1825; nothing short of such an event could have created a diversion at that moment, says our shrewd informant. "Although in the whole population of the city and its environs, not one comrade in the War of Independence, not even one personal acquaintance, except myself, was there to greet him, still the enthusiasm with which he had been received every where in Louisiana was intense, from the fact of most of the inhabitants being of French extraction; and men were more anxious to venerate the historic importance of the actor in the French Revolution, than of the then young, but now gray-headed, hero of the American." We will not detail the ceremonies of his reception at New Orleans, the festivities, balls, theatres, and other demonstrations of welcome in the Crescent City; nor tell what luxurious appliances were provided in the steamboat which was to convey him to Natchez, on his way back from the South. Let us rather catch another phasis of the same feeling, not wholly an ignoble one, which was most conspicuously displayed in these things.

"As the dwellers on the banks of the Mississippi had expected the arrival and the voyage of the general, wherever the steamer that carried 'the nation's guest' was recognised by the numerous decorative flags, they hastened, so soon as it was seen in the distance, to assemble in some house, and to make the welkin ring with their shouts of welcome. Where the houses were numerous, or in the immediate neighbourhood of a village,—like Baton Rouge, for instance,—the boat would stop, and the general would receive the deputations that came on board to greet him, or the single personages who desired to be presented to him. The deputations usually came with their speaker at their head. Of course, in most instances, the speaker was more occupied in exhibiting his cleverness and oratorical talent, than with the object of his mission, or a desire to give pleasure to the hearer. And the good general had no remedy for this evil, but was compelled to listen to the longest, stupidest, wordiest discourses possible. I never saw a mark of impatience upon his countenance. So soon as the infliction was brought to an end, he always had ready a few suitable and flattering words:"—it being his habit (unlike Monroe, who had to lie by for a few days, in the course of his Northern tour, to prepare answers to the complimentary speeches addressed to him;) to listen till he caught some phrase which afforded an opportunity for a repartee, and leaving all the rest of the oratory "to blow over him."

We must not give a delicious account of a ball at New Orleans, and of a *pas de deux*, with which the victor at Chalmette and his wife treated the guests, because it took place two years before Monroe ascended the President's chair. A sketch, less highly coloured too, will better serve our purpose. "On his candidate voyage, Jackson had visited several of the Western States; his own, in which he dwelt as cotton planter, included; and he determined to go to the cradle of his renown, New Orleans, but as simple citizen; sending there his cotton crop, about eighty bales, also. The same steamboat that took the cotton, also took the American hero. A Frenchman



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would have called the steamboat 'the bark that carried Cæsar and his fortunes.' He was received with joy; a mob of the more youthful niggers, carefully drilled by Sheriff Morgan, stood at the corners of the streets, and cried 'Hurrah for Jackson!' and the general, in simple citizen's guise, surrounded by the electoral committee, stepped on shore. On every occasion, he endeavoured to give proof of amiability of character, of esteem for the laws, &c.; carefully abstaining from all military display." We may observe this unintentional testimony to the character of the people. Do we see the correlative in the "Codes" of Louisiana?

Nolte proceeds to relate, how he sent a droll description of this visit to the editor of the New York "American;" and how Jackson's party were infuriated by it, and after much inquiry and investigation, discovered the author of the pasquil; and how, just before he was about to leave New Orleans for France, some of them determined to attack him in his own house; also, that, accompanied by a witness "in order to lay his misdeeds before the public," this unwise partisan entered Nolte's room "lightly, whilst I was seated at my dinner with my back to the door; but so soon as I caught a glimpse of them, I made one spring behind my writing-desk, on which lay two loaded pistols, which I seized. It was comical to behold how the two good-for-nothings retired," &c.—for Nolte does not perceive how sadly the reverse of "comical" is that state of things, in which a brace of loaded pistols should be, as a matter of course, part of the furniture of a merchant's writing-desk, in his dining-room.

Mention has been made of the debts of the Northern States; and at the same time some hint was given of similar things in the South. Here is a topographical passage, having a financial side, and on both accounts deserving our regard.

"In 1821, New Orleans did not possess one single paved street. Through the city ran four-feet-wide side walks, which were called *banquettes*, and which ran along close to the houses. They were made of brick, set loosely in the sand, and in wet weather became almost utterly useless, since nearly every step of the pedestrian produced a spirt of liquid mud from between the loose bricks. The streets themselves were nothing but mud-holes, with occasional projecting pieces of dried clod. In 1822, the city council recognised the necessity of some improvement, and it was determined that the principal street, called Rue Royal, [It is pleasant to mark the differences between America and France. In Paris, or Toulon, this would have been *Rue Nationale*: yet France has seen five monarchs, absolute or chartered, since first her *royales* were transformed into *nationales*; America remains what it was, before France had learned to use that word *nationale*.] should be paved." And then he tells us that the cost of this was some five times the entire revenue of the city; and that it became needful to borrow the money;—wherefore "a committee of the city council was appointed, and this committee immediately waited upon me, requesting the loan at an interest of 7 per cent., payable half-yearly; the money to be retained so long as they might require it.

"I could find no means of rendering comprehensible to those gentlemen the fact, that no capitalist could be discovered, who would lend upon such terms; particularly now in Europe, whither they appeared to be looking:—that they must borrow the money for a certain specified time, &c. At length I succeeded in proposing an acceptable project for a loan. That the city should receive a cash payment of a hundred and fifty thousand dollars, to be followed the next year by a similar sum, giving its obligation to repay the sum in ten years, with interest at the rate of 98 [so it stands] *per cent.* for that time." With the remainder of this affair, and his quiet gratulation at the want of business habit, on the part of the council, which put thirteen thousand dollars into his pocket; and at the net profit of sixty-five thousand dollars, which he realized by the transaction; and the part taken by the Messrs. Barings therein;—we are not greatly concerned, and we turn to the next subject which has to be discussed here.

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We have, as we intimated above, distinguished this group of States from that treated of in the preceding chapter, by the appellation "Slave States," because the "Missouri Compromise" marks in the strongest and most definite manner, the period when Slavery became a recognised "institution" of the country. Before this time it had been tolerated,—and in some, even of the very States which upheld it, it had been no more than tolerated,—but now, the spirit which had animated the leaders of the political movements of the Union was dead, and another spirit incited the action of Congress, and the Administration, in their dealings with this question.

In proof of this, our readers need but to note the guarded and ambiguous language of the Constitution, where it refers to Slavery. When Slavery should cease, as the framers of the Instrument of government hoped it speedily would, not a word would have required alteration, not a single clause would have become obsolete. Let our readers remark this fact, and also remember how Jefferson, in his scheme for the creation of new States in the ultramontane region, expressly covenanted for the exclusion of Slavery as part of their domestic organization; and then turn to Clay, and the "Missouri Compromise," and that notable theory of the orator of Kentucky, that Slavery should be diffused, lest its maleficent influence should become too powerful by concentration! Nor let them forget, that Virginia, Maryland, and Kentucky, where, if only from their close neighbourhood with the free States, some truer appreciation of this matter might have been expected, had now become *slave-breeding* States;—unable to employ Slave-labour, they undertook to supply it to the more southerly States, where the work was actually done by thralls.

The explanation is not hard to find. In the earlier time, Slavery had been regarded and treated as a problem for philanthropy and politics; the solution of which was rendered difficult by two considerations,—the safety of the white races, and the recovery of their capital invested in negroes, should the oppressed class be wholly emancipated. But now both the political aspect and the philanthropic had been pushed quite out of sight; and the only view

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taken was the possibility of making greater gains, by increasing the numbers of the coloured race that were in bondage, and by "working them" at a more rapid rate. The facts we have recorded above, respecting the prodigiously increased production of cotton, and its equally prodigious fall in value, demonstrate this, and hint at a sufficient refutation. And we may with the greatest confidence assert, that the political and philanthropical phases will have to be brought forward again, and studied, and taken as the bases of action, both general, State, and personal, — if the natural and necessary consequences of the existence of this social anachronism and *contresens* are to be averted from the United States.

Our quotations from Senator Benton's work will show that the slave-holding interests, in Congress and the Union alike, considered this Missouri business as the definitive distinction of the two great sections of the country, on the principle and in the manner we have used.

We must refer to what we have said on the Missouri question, in several places, for certain remarks and facts, related to the subject now before us: and to the first two chapters of the Book, for notices of what Congress did respecting it. In some of the Northern States, although as a whole that section deserved the reproofs we have addressed to it, the feeling was decidedly more humane, and might have been led to much more effectual measures than any that were taken, towards effecting the relief of the nation from this blot, this gangrene, had there been but courage and consistency in their local leaders. New York and New Jersey we find now forbidding the export of slaves; and calling upon Congress to assist them in enforcing their statutes. Pennsylvania strenuously resisted the operation of the Fugitive Slave Law, by insisting upon the strict observance of such precautionary formalities, as were justified by the knowledge of many instances of kidnapping and carrying off to the South free persons of colour, under the pretext of their being runaway slaves; but which were not at all agreeable with the prompt and informal measures of the professional slave-catchers. And a new bill, which seemed to be on the verge of becoming law, and which would have bound the Northern legislatures to see to the detection and capture of the fugitives from the South, failed through a sudden awakening of the Northern members of the House of Representatives to its real character.

The total number of slaves in each of the Northern States, at the census next after the period now under consideration, will perhaps, better than any other statement, demonstrate the real position of this question there. In 1830, there were in Maine, 2 slaves; in New Hampshire, 3; none in Vermont; but 1 in Massachusetts, and he over a hundred years old; in Rhode Island, 17; in Connecticut, 25; in New York, 75; in New Jersey, 2254; and in Pennsylvania, 403; in Ohio, 6; in Indiana, 3; in Illinois, 747; and in Michigan Territory, 32. The total for that section of the Union being 3568; whilst the number in the Southern section was little short of two millions. The presence of a single slave in any State really involved the al-



lowance of Slavery, as fully as the presence of a million; but the scanty numbers in the North undoubtedly showed the approaching extinction of Slavery as a social condition there, as clearly as the rapid increase of the number of slaves in the South indicated the growing resolution to retain their characteristic "institution" to the last.

Mention has been made of the treaties with foreign powers, for the suppression of the traffic in African negroes; and of the provisions made by Congress for the punishment of citizens of the United States, detected in the violation of these laws. We have also told how the Filibusters of Galveston and Amelia Island pursued this traffic without much affectation of privacy. "American citizens still continued to engage in it, in considerable numbers," notwithstanding all the laws of Congress; and the government was very slow to conclude a convention with Great Britain, allowing mutually the right of search in each other's vessels suspected of being so engaged, by their cruisers off the coast of Africa. We have no great faith in the efficacy of the system pursued for the suppression of this piratical trade; nor have the results of it at all justified the wisdom of its inventors. The only persons contented with it, as it appears, are the traders themselves, and those who encourage them; for the risk of capture and loss is much less than it would be if the blockade were maintained at the ports where these vessels discharge their unlawful cargoes.

Apart, however, from this defiance of treaties, which States as well as individual citizens were guilty of conniving at, if not of tolerating;—so that it was believed on good grounds, that in 1818, some fourteen thousand slaves had been smuggled into the Southern States;—Georgia evinced its horror at the foreign traffic, and its determination to suppress it, in a truly significant manner,—it authorized the sale of the cargoes of human beings which had been captured and confiscated as contraband, to pay expenses we presume, as some free persons of colour, seized on suspicion of being slaves, and not capable of being proved so, have been sold. The scandal of this mode of putting down the slave-trade, even in the Slave States, caused the discontinuance of it; and the commencement of the colony of Liberia, on the coast of Western Africa, afforded a means of disposing of those unhappy beings, at once safe and respectable.

This colony of Liberia was the work of the American Colonization Society, which originated in the year 1817, at Washington, with a few gentlemen "of the first respectability;" and the intention of which was *really* to rid the Slave States, by an unobjectionable process, of the presence of free persons of colour,—who were, not unnaturally, looked upon with extreme jealousy, by the planters; and accused (and if truly, it is not to be wondered at,) of being inordinately "vicious." After several failures, and much delay, a tract of country was ceded to the agents of the Society, about the cape and river named Montserrado, to the south of Sierra Leone; and whilst the country was called Liberia, to mark its destination, the first settlement was designated, after the President who had encouraged the design, Monrovia.

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Well-meaning enthusiasts, and others not so unsophisticated, pointed to this Society, and its infant colony, as the means of freeing the United States from the stigma they had so contentedly borne, of not being wholly free. And the purchase of slaves, for manumission and transportation to Liberia, was attempted with great diligence, to the advantage mainly of those who were often able to sell at a high price, otherwise unsaleable chattels. A regular government was organized for this remarkable colony, under the sovereign control of the "Society." No whites were allowed to settle there, except the governor, and the physicians, missionaries, and traders. Slavery and the slave-trade were prohibited by law. And it was fondly noted that the establishment of the colony took place exactly two hundred years after the landing of the Pilgrim Fathers at Plymouth; as if some augury of untold good might be drawn therefrom.

Use was made of this organization, when it became impracticable any longer to sell as slaves, the wretched Africans from the captured slavers. But this countenance by government of an institution for liberating slaves was regarded with great jealousy in the South; and along with the resolutions in favour of free-trade, and against internal improvement, which, with South Carolina at their head, the Southern States passed, in the last years of John Quincy Adams's Administration, there was commonly to be found one, protesting against—"all appropriations in favour of the Colonization Society," and "the patronage of the same, either directly or indirectly, by the general government."

Little needs to be said of the emigration of free negroes to Hayti, for though it seemed, like the Liberian scheme, to promise much, it proved a complete failure. The South opposed it, as usual; having already no slight grudge against Hayti, which, as they reasonably averred, offered a very inopportune example of what the coloured race might do; and was in uncomfortably close proximity to their land of bondage. The same influence was successfully exerted to prevent the recognition of Haytian Independence; and thus the United States was placed in the self-stultified position of having hotly sympathized with Greece, when she rose against the Turk; with Central and South America, when they threw off the Spanish yoke; and yet refusing to express any emotion when the far more to be pitied negroes of Hayti rose, and triumphed over a far more grinding and wicked tyranny. There was not an argument employed in behalf of Greece, and the Spanish Republics,—nay, not a word of all the annual self-glorifying orations, on the 4th of July,—that did not justify the Haytians; not an argument employed to prevent the recognition of their government, that did not tell against Greece, Spanish America, and themselves.

Before we pass on, and speak of other parts of this momentous subject, let us say briefly, that Great Britain agreed, by a convention negotiated by Gallatin, and signed in November, 1826, to pay into the treasury of the United States, one million, two hundred and four thousand, nine hundred and sixty dollars, as a compensation of the slaves who had been carried away

at the end of the last war,—“for the use of those citizens of the United States, who had been sufferers by the infraction of the first article of the Treaty of peace, in full satisfaction of their claims.” Great Britain deserves at our hands an honourable acknowledgment of her consistency, in thus consenting to suffer loss, rather than send back into thralldom, any one who by her help had been so happy as to escape from its hold.

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When the State of Mississippi was organized, similar restrictions to those which in Kentucky were placed on the legislature, were inserted ; but slaves might be emancipated without an act of the legislature to give validity to the deed ; and on the other hand, in trials of slaves, it was only in capital cases that even a petty jury was allowed. This, however, is but a small and venial instance of the inconsistencies entailed by the “institution.”

“In the year 1822, a conspiracy was set on foot at Charleston, among the blacks, to destroy the city and massacre the inhabitants. It was managed with much secrecy and adroitness, and discovered but a short time before it was to have been carried into execution. It resulted in the conviction of eighty of the conspirators, thirty of whom suffered capital punishment ! Though this conspiracy was among the slave population, the free coloured people were *supposed* [“suspect of being *suspect* ;” as was said, with terrible satire, in illustration of the great law of the Reign of Terror in France ;] to be its principal instigators. Suspicion and alarm concerning them were much increased by this event.” So says one writer, a Northern man ; another, a Southern, says, that the insurrectionary movement, “excited in Charleston for the first time [?] a suspicion, amounting in many minds to conviction, that there was a party in the North tampering with Southern institutions.” And so the “South Carolina Association” was formed, “to watch the movements of this [imagined] party in the North, and to prevent, if possible, the access to the slave population of emissaries or pedlers of pamphlets.”

Leaving this story of an intended insurrection as we find it, we may observe, that if this had been all that the “Association” did, not much blame, if but little praise, would have been accorded to it. But it contrived to procure a law, which, as it is hard to characterize in temperate phraseology, we will record without any attempt at comment. By this iniquitous statute, not only was the entrance of free coloured persons into the State prohibited, but it was also decreed, that if any vessel, either from another State or from a foreign country, having on board, in any capacity, any free persons of colour, should enter any port or harbour of South Carolina, such persons should be *seized and confined in jail* until the departure of the vessel, its captain being bound to take them away, and pay the expenses of their detention ; neglect to do which exposed him to two months’ imprisonment and a fine of a thousand dollars, *and them to be sold as slaves !*

Under this act, in the following year, four of the crew of a British merchant vessel were “seized and confined in jail ;” and in reply to the remonstrances of the British minister, the Attorney-general of the United States avowed that this proceeding was at once a violation of the Constitution, and



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of the existing treaties between Great Britain and the United States, and incompatible with the rights of nations. The governor of South Carolina, to whom this was made known, supported by the senate, insisted upon the prerogative of the State, and refused submission with the most defiant insolence; challenging the action of the general government in opposition to the law, and menacing a resort to force in maintenance of it. And not only does this law stand unrepealed on the statute-book of South Carolina; but similar enactments are in force in the ports of other Slave States,—kept there by the threat uttered whenever the subject is referred to, that rather than renounce the right claimed and exercised under them, those States “would see the Union perilled.”

Happily, it will not be necessary to speak of this subject at such length in other chapters on the South; nor would it be needful here, were this not an epoch in the relations of the two great sections of the Union,—as we have above declared.

Louisiana at this time, early in 1826, passed an act prohibiting the further introduction of slaves into the State for sale; a regulation, the intent of which was not perhaps bad, but which was so easily and inevitably evaded, that one wonders the legislature should have considered it worth a debate. One provision of it may show us, that no change had taken place in the feelings of the State;—the infringement of their law was punished—by the sale of the slaves by the State itself, which kept three-quarters of what they fetched; and rewarded the informer with the other fourth part of the proceeds! Alabama, more sensibly, punished the same offence by a fine of a thousand dollars for every negro unlawfully imported, either for sale or hire, and imprisonment. In the former State, the law seem to have had but little effect, for three years afterwards we find the city council of New Orleans mildly issuing an ordinance, to prohibit the exposition for sale of slaves imported from Maryland, Virginia, and the Carolinas. And Mississippi complained of the droves of “slaves, negroes and vagabonds” from the jails and penitentiaries of Maryland and Virginia, that were introduced into it, on their way “to the South-west.”

The Society of Friends we find compelled to subscribe, at its yearly meeting, to enable some of its members to remove from North Carolina “certain people of colour” who had become the property of the Society, because the laws of the State did not allow them “to do what they would with their own,” when it was to emancipate slaves; though it imposed no restrictions, in other directions, that could not easily be surmounted.

Of deaths inflicted upon slaves by excessive punishment with the scourge, and by extraordinary modes of punishment, we say nothing, though several instances are recorded in the Annals of these Administrations; nor would we specifically notice the burning of slaves to death, of which four cases are said to have occurred during Adams’ Presidency alone, but because in one of these, the justice of the peace, before whom the negro (charged with the murder of a white man, not without provocation,) was taken, is said “after serious de-

liberation, to have waived his authority, perhaps through fear," and then to have acted as "president of the mob," which, without hearing the defence, or caring to know if any could be offered, sentenced the miserable wretch to be burnt, and put the cruel sentence into instant execution. Yet even these terrible incidents of social life in the Slave States do not so forcibly display the enmity entertained against the coloured race, as the following.

In January, 1820, during the heat of the Missouri controversy, a destructive conflagration occurred at Savannah; and the city authorities made an "affecting appeal" to the humanity of their fellow-citizens throughout the Union. No lack of sympathy was perceived in the response any where, and certainly not in New York, where ten thousand dollars, and provisions and clothing worth as much, were collected and sent for the relief of the sufferers; but unhappily with this too generous and catholic request, that they should be distributed without regard to colour, to all who, being dependent on their own industry for a livelihood, had incurred loss by the fire. For the magistrates of Savannah returned the present, alleging that they could not accept it with "the condition annexed," for so they interpreted that "request;"—and they added, that "it was calculated to awaken and put forth impressions, not only dangerous to the tranquillity of that section of the Union, but in reference to the humanity of the citizens of Savannah grossly injurious and palpably incorrect; that it was throwing among them the fire-brand of discord, and if persevered in, would shake to its foundation the beautiful fabric of liberty, [It is evident from the preceding context, that (by a singular mistake) this word has been written instead of "*slavery*;" we do not remember another such error in a public document.] and jeopardize the Federal unity of the republic."

Had their extraordinary reply ended here, it would have been considered worthy of a place in the writings of moralists, as a flagrant example of ingratitude; but as if to render emulation in that direction hopeless, the magistrates proceeded to justify their rejection of the twenty thousand dollars, and dollars' worth of goods, thus:—"Traitors and demagogues, who only seek their own aggrandizement, may be permitted to smile amidst the havoc their unprincipled ambition may create; but, that a true-hearted American, devoted as he ought to be to the happiness and best interests of his country, should, under any metaphysical notions of abstract human rights, place in danger the Union of these States, offering as they do the last and only rampart on earth against the inroads and aggressions of tyranny, is an impiety, madness, and folly, without the apology of any reason or motive. It is a moral malady, for which there can be no remedy; an infatuation no analogies of the mind can explain."

Some apology, or explanation, is due to our readers, for the introduction of this extract, which, in a condition of society less topsy-turvier than is to be found in the Slave States, could not have failed to secure its writers the needful restraint and care of a lunatic asylum. We have quoted it solely for the purpose of showing, by the least exceptionable means that we could discover,

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The donation thus scornfully refused was distributed amongst the poor in New York, "without regard to colour," and it was courteously signified to the Savannah magistrates that nothing but sympathy for the calamities which their fellow-townsmen had suffered was intended. But the generous desire to assist the sufferers, which had been felt in the North, was checked at once; and no more gifts, which might provoke such outbursts, were sent to them. And about the same time a Fire Insurance Company in Philadelphia, when applied to by a gentleman of Savannah, respecting the insurance of his house and furniture, replied that "*they declined making insurances in any of the Slave States.*"

Duelling has been spoken of in our former chapters on this part of the Union, not from its being confined to it, but because of its infinitely greater frequency here; arising, as is evident, from the almost universal practice of carrying knives and pistols, which has originated in the necessity of precaution against a slave population. Several are recorded, as having happened during the twelve years now under consideration, one or more of them characterized by circumstances of most disgusting brutality. It is not, however, on this account that we refer to this subject now;—but because we meet with a new aspect of it in the local history of these States,—the passage of laws by State legislatures against this barbarous custom, and the formation of associations to discountenance it. From which if some gleam of hope may be derived, a most indisputable proof of the truth of our former remarks is also deducible. Missouri affixed the punishment of whipping to this "misdemeanour;" but even this is not so remarkable as the removal of an attorney from the roll, in the State of Tennessee, for having fought a duel. Remembering Judge Jackson (he was not then General Andrew Jackson,) and his experience, it does seem that Smith, the attorney, had hard measure dealt to him; and yet it was a righteous sentence; and our only abiding regret is, that this example, and the wisdom of the judgment given against his appeal in the Supreme Court of Errors and Appeals of the State, were not more efficacious in deterring others from this vicious and cowardly practice.

Our readers will undoubtedly remember, that when Jefferson unexpectedly found himself negotiating the purchase and acquisition of Louisiana with Napoleon, he was far more intent upon extending the territory to be obtained eastward, than in the opposite direction along the southern coast. Florida, and not Texas, was the object of his desire; for perhaps he felt sure, that if the gate into the Gulf of Mexico were in the hands of the United States, in good time all else that they might covet would be added to them. When the new school of Democrats arose, and Slavery became one of the chief arti-



cles of their creed,—the Floridas having both been obtained by a judicious mixture of negotiation and filibusterism,—Texas was regarded with other eyes, and the treaty of 1819 was denounced as treason to the claims of the United States, under the treaty of cession of Louisiana. Senator Benton speaks with most commendable clearness respecting it.

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“The point now to be noted of this treaty of 1819 is, that it completed, very nearly, the extinction of slave territory within the limits of the United States, and that it was the work of Southern men, with the sanction of the South. It extinguished, or cut off, the slave territory beyond the Mississippi, below 36 degrees, 30 minutes, all except the diagram [whatever that might be] in Arkansas, which was soon to become a State. The Missouri compromise line had interdicted slavery in all the vast expanse of Louisiana, north of 36 degrees, 30 minutes; this treaty gave away, first to Spain, and then to Mexico, nearly all the slave territory south of that line; and what little was left by the Spanish treaty, was assigned in perpetuity by laws and by treaties to different Indian tribes. Those treaties, (Indian and Spanish,) together with the Missouri compromise line,—a measure contemporaneous with the treaty,—extinguished slave soil in all the United States’ territory west of the Mississippi, except in the diagram [that puzzling word again;] which was to constitute the State of Arkansas; and including the extinction in Texas consequent upon its cession to a non-slave-holding power, constituted the largest territorial abolition of slavery that was ever effected by the political power of any nation.”

Passing over the extraordinary circumstance, that this passionate votary of liberty here bewails, without much manliness of tone, the extinction of slavery;—unless, indeed, his “Lamentations” are inspired by the contemplation of the inconsistency of the Southern men, by whom this weakening of the great Southern interest was effected;—passing by this, will our readers carefully remember two facts? The first is, that at the time when Louisiana was acquired from France, and for forty years before, its acknowledged western limit had been the Sabine; and the Rio del Norte had never been the boundary of territory actually in the possession of France, but only of her *claims* in that region. Besides, it would be most monstrous to suppose that the title of the purchaser could be better or more extensive than that of the seller; and that though France never could make good, by any means, those *claims* of hers, the United States should have them acknowledged in their behalf, not only without using means more potent than the verbal and almost incidental mention of them, but also without having any ground whatever for making them at all. The United States could not, therefore, *cede* Texas to Spain. They might relinquish a *claim* to it; but that was merely a diplomatic formality. The United States must have understood the nugatory nature of this class of “titles,” even when based upon charters, better than to have committed such a mistake about it, when based upon other, and twice voided, “claims.”

The second fact impresses us yet more with a sense of the peculiar genius

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of the slave-soil advocate. In the year 1819, Mexico, and Texas as part of it, was a province of the Spanish Empire, and slavery was allowed there: nor was it till ten years afterwards, when the revolt was accomplished, and Mexico an independent republic, that Guerrero, by decree, abolished slavery there,—an act which, only in 1837, after Texas had declared itself independent, was confirmed by law!

It is not, however, on this account that we speak of Texas here; but because it was now that the foundation was laid for the extension of the United States by its annexation. When the boundary between the States and the Spanish province was definitively settled, in 1819, Texas was thinly inhabited by some aboriginal tribes, and the formal occupation of the country was shown by scattered posts and settlements. Including all classes of its population, Spanish settlers, Spanish and French Creoles, Anglo-Americans, and Indians, the number of souls living within its wide area, exceeding that of France, was not more than five thousand.

Mayer says,—“The first *empresario*, or contractor, for the colonization of Texas, was Moses Austin, a native citizen of the United States; who, as soon as the treaty of limits between Spain and our country was concluded in 1819, conceived the project of establishing a settlement in that region. Accordingly, in 1821, he obtained from the Commandant-general of the Provincias Internas, permission to introduce three hundred foreign families. In 1823, a national colonization law was approved by the Mexican emperor, Iturbide, during his brief reign; and on the 18th of February, Stephen F. Austin, who had succeeded his father, after his death, in carrying out the project, was authorized to proceed with the founding of the colony. After the emperor's fall, the decree was confirmed by the first executive council in conformity to the express will of [the] congress [of Mexico.]

“In 1824, the *federal* constitution of Mexico was adopted, \* \* and by a decree of the 7th of May, Texas and Coahuila were united in a *state*. In this year, another *general* colonization law was enacted by Congress, and foreigners were invited to the new domain, by a special state-colonization law, of Coahuila and Texas.

“Under these local laws and constitutional guarantees, large numbers of foreigners flocked to this portion of Mexico, opened farms, founded towns and villages, re-occupied old Spanish settlements, introduced improvements in agriculture and manufactures, drove off the Indians, and formed (in fact) the nucleus of an enterprising and progressive population. But there were jealousies between the men that invited the colonists, and the colonists who accepted the invitation. The central power in the distant capital did not estimate at their just value the independence of the remote pioneers, or the State-right sovereignty to which they had been accustomed at their former home in the United States. Mexico was convulsed by revolutions, but the lonely residents of Texas paid no attention to the turmoils of the factionists.”

Even before 1819 some settlements had been formed by Anglo-Americans, to the west of the Sabine River; and these persons objected to the arrange-

ment of the boundary (or to the *cession*, as they called it;) so as to leave them subjects of Spain. We know that filibustering attempts had been made or projected against this country, from the time of Burr downwards; and in 1825 some of the American settlers proceeded to the length of declaring Texas independent, "an idle and absurd movement," which the government, though in the pangs of a revolution, easily succeeded in suppressing. The first formal advance made by the United States was in 1827, when the government offered to purchase the whole country east and north of the Rio del Norte; but the authorities of Mexico rejected the proposal.

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At the end of John Quincy Adams' Administration, there were two flourishing settlements of citizens of the United States in Texas. One, near the Rio Grande, numbered then between ten and fifteen thousand souls; the other, on the Red River, near Arkansas, consisted of above two hundred families. And the fertility of the soil, the fineness of the climate, the abundance of wild cattle, the stores of mineral wealth, and the general industry and enterprise of the colonists,—for they were like the first settlers in the North-western Territory, men who depended on their own strong arms for their daily bread, (slavery not existing there,) justified the most enthusiastic expectations regarding the future of this extensive region. The only unpropitious omens were the presence of many, who were predetermined to annex the country to the Union; and that savage disposition which we have witnessed in the Kentuckians, and all the frontier settlers, with regard to the hapless red men, with whom incessant and murderous hostilities were carried on. Apart from these things Texas was a "land of promise" for the South; and but for that spirit which breathes in the passage we quoted from Benton's "Thirty Years' View," such it might have remained. How the scene was changed, our future pages will show.

With the personal characteristics of distinguished Southern men, we have not hitherto been made so minutely acquainted, as many an affectionate memoirist has enabled us to be with Northern celebrities; and therefore, although we have not inserted any record of such in the last chapter, we will detain our readers here, having, (by great good fortune,) in Benton's pages, a most graphic sketch of a North Carolinian, not undistinguished even in our pages, whom John Randolph of Roanoke described as "the best, the purest, and wisest man," he ever knew. The glimpse we shall thus obtain of Nathaniel Macon will aid us in picturing to ourselves, yet more livingly than what we have said under other heads can, the nature and influence of Southern institutions, as they were in the earliest and noblest times of the American Republic.

Nathaniel Macon, whom Jefferson used to call "the last of the Romans," was one of the soldiers of the Revolution; and afterwards, for above forty years, a legislator in Congress; in 1828 he retired from public life; but of this aspect of his career we do not speak. In private he is thus presented to us. "He was above the pursuit of wealth, but also above dependence and idleness; and like an old Roman of the elder Cato's time [our author, de-



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spite the oddity of that "diagram in Arkansas," is not without a tincture of the *literæ humaniores* ;] worked in the fields, at the head of his slaves, in the intervals of public duty ; [forgetting, as his panegyrist also does, that what was admirable enough in Europe two hundred years before the Christian era, must be regarded with another emotion when seen in America, two thousand years later ;] and did not cease this labour until advancing age rendered him unable to stand the hot sun of summer,—the only season of the year when Senatorial duties left him at liberty to follow the plough or handle the hoe." "He was not rich, but rich enough to dispense hospitality and charity, to receive all guests to his house, from the President to the day-labourer—no other title being necessary to enter his house, but that of an honest man ; [save, always, purity from the taint of African descent !] \* \* \* and above all, he was rich enough to pay as he went, and never to owe a dollar to any man."

"He was an habitual reader and student of the Bible, a pious and religious man, and of the '*Baptist persuasion*,' as he was accustomed to express it." "Philosophic in his temperament, and wise in his conduct, governed in all his actions by reason and judgment, and deeply imbued with Bible images," "a virtuous and patriotic man." "He was stedfast in his friendships, and would stake himself for a friend, but would violate no point of public duty to please or oblige him. Of this, his relation with Mr. Randolph gave a signal instance. *He drew a knife* [Benton sees nothing in this, except the most commendable ardour in friendship ; to us it appears very remarkable that a legislator of such a stamp should have a "knife" at hand, wherewith to protect a friend ;] to defend him in the theatre of Philadelphia, when menaced by some naval and military officers for words spoken in debate, and deemed offensive to their professions." "His political principles were deep rooted, innate ; \* \* he was democratic in the broad sense of the word ; \* \* \* *he was a party man* [we must italicize ;] \* *where principle was concerned* ; \* \* General Hamilton he deemed honourable and patriotic, \* \* he venerated Washington, and esteemed and respected the eminent Federal gentlemen of his time. He had an affectionate regard for Madison and Monroe ; but Mr. Jefferson was to him the full and perfect exemplification of the Republican statesman. \* \* He was the early friend of General Jackson ; \* \* he was just in all things, and in that most difficult of all things, judging political opponents,—to whom he would do no wrong, not merely in word or act, but in thought." And to conclude ;—"He always wore the same dress,—that is to say, a suit of the same material, cut, and colour, superfine navy blue,—the whole suit from the same piece, and in the fashion of the time of the Revolution ; and always replaced by a new one before it showed age. He was neat in his person, always wore fine linen, a fine cambric stock, a fine fur hat with a brim to it, fine top-boots,—the boot outside of the pantaloons,—on the principle that leather was stronger than cloth."

And here we close our story of the Administration of "the Washington-Monroe policy."

## BOOK XI.

### THE ADMINISTRATIONS OF JACKSON AND VAN BUREN.

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I.—PROGRESS OF THE UNION UNDER JACKSON'S PRESIDENCY.—REMOVALS FROM OFFICE.—THE UNITED STATES' LAND SYSTEM.—PROTECTION.—"NULLIFICATION."—CHANGES IN THE CABINET.—THE GREAT BANK QUESTION.—VETO.—JACKSON RE-ELECTED.—"NULLIFICATION" EXTINGUISHED.—THE "COMPROMISE" OF 1833.—THE BANK AND CURRENCY CONTROVERSY.—PUBLIC DISTRESS.—THE "EXPUNGING RESOLUTION."—ORGANIZATION OF THE "WHIG" OPPOSITION.—ELECTION OF VAN BUREN

II.—PROGRESS OF THE UNION UNDER VAN BUREN'S PRESIDENCY.—MONETARY AND MERCANTILE EMBARRASMENTS.—A NEW PARTY IN OPPOSITION.—THE INDEPENDENT, OR SUB-TREASURY, SCHEME.—OPENING OF THE TWENTY-SIXTH CONGRESS.—MOVEMENTS AND COMBINATIONS PREPARATORY TO THE ENSUING PRESIDENTIAL ELECTION.—BREAK-DOWN OF THE REFORM AND RETRENCHMENT POLICY.—ELECTION OF GENERAL HARRISON.

III.—FOREIGN AFFAIRS DURING THIS PERIOD.—TRADE WITH THE BRITISH WEST INDIES OPENED.—THE NORTH-EAST BOUNDARY QUESTION.—COMMERCIAL LEGISLATION.—INDEMNITY FOR FRENCH SPOILIATIONS BEFORE 1800.—RELATIONS WITH FRANCE ADJUSTED BY THE MEDIATION OF GREAT BRITAIN.—INDEMNITY FROM OTHER EUROPEAN POWERS.—COMMERCIAL TREATIES.—THE FALKLAND ISLANDS.—THE INDEPENDENCE OF TEXAS.—FILIBUSTERING IN THE NORTH, AND THE AFFAIR OF THE CAROLINE.—THE EXPLORING EXPEDITION.

IV.—NORTHERN OR FREE STATES.—MICHIGAN STATE.—IOWA AND WISCONSIN TERRITORIES.—STATE CONSTITUTIONS AMENDED.—INTER-STATE CONTROVERSIES.—LOCAL AND SECTIONAL AFFAIRS.—THE PRESIDENT'S TOUR.—MR. CLAY'S TOUR.—JOHN QUINCY ADAMS, A REPRESENTATIVE.—ANTI-MASONIC PARTY.—INDIAN REMOVAL.—ANTI-SLAVERY AGITATION.—TEMPERANCE LEGISLATION.—COMMERCE AND MANUFACTURES.

V.—SOUTHERN OR SLAVE-HOLDING STATES.—ARKANSAS STATE.—THE CONSTITUTION OF FLORIDA.—STATE CONSTITUTIONS REVISED AND AMENDED.—STATE-ACTION ON PUBLIC QUESTIONS.—"NULLIFICATION," AND THE ORDINANCE OF SOUTH CAROLINA.—THE CHEROKEE CONTROVERSY WITH GEORGIA.—THE FLORIDA WAR.—INDIAN REMOVAL.—GOLD MINES.—TRADE AND AGRICULTURE.—SLAVERY.—TEXAS.





## CHAPTER I.

PROGRESS OF THE UNION UNDER JACKSON'S PRESIDENCY. — REMOVALS FROM OFFICE. — THE UNITED STATES' LAND SYSTEM. — PROTECTION. — "NULLIFICATION." — CHANGES IN THE CABINET. — THE GREAT BANK QUESTION. — VETO. — JACKSON RE-ELECTED. — "NULLIFICATION" EXTINGUISHED. — THE "COMPROMISE" OF 1833. — THE BANK AND CURRENCY CONTROVERSY. — PUBLIC DISTRESS. — THE "EXPUNGING RESOLUTION." — ORGANIZATION OF THE "WHIG" OPPOSITION. — ELECTION OF VAN BUREN.

RETRENCHMENT and Reform were the watchwords of Jackson's party, during the severe election contest which had issued in the overthrow of all his opponents, and the attainment of the Presidential chair by a military chief, in whose public life and character political action and professions were the most inconsiderable features. The blandness of Monroe, aided by the unexciting period during which he was the Executive of the Union, obliterated the Federalist party; and sapped the strength of the old Democratic party too, which had been weakened by the importation of Federal doctrines into its "platform," by Clay and the "war party." The election and administration of Jackson completed the destruction of Jeffersonian Democracy: and the change of the government, in 1829, as much deserves the name of a "Revolution," as did Jefferson's accession to power, in 1801. And the adoption of those two words, as a "cry," was an indubitable proof that Jackson and his adherents were not wholly unconscious of the fact.

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In many respects the installation of General Jackson marked, or effected, a revolution in the political progress of the United States. Thus, it was a return to the state of feeling which had placed Washington, who had led the nation during its fierce and triumphant struggle for independence, at the head of its affairs, when that independence was to be consolidated and realized;—although the services rendered by Jackson had made him but the hero of a party, or section of the people, and not a *pater patriæ*, as the First President was. It was at the same time the preference of a soldier, whom one deed of arms had rendered illustrious, over civilians, whom long experience in all the varieties of political service had fitted and recommended for the post.

The personal vigour and imperious will of Jackson, contrasted as they were with the soothing mildness of Monroe, and the conscientious and constitutional catholicity of his successor, accomplished one result, which we do not find so clearly recognised, at the time, as the record of events displays it, now that the interval of a quarter of a century has enabled us to see them

CHAP. I. more truly. We have remarked, in our narrative of John Quincy Adams' Administration, that the majority in the two Houses of the Legislature designedly obstructed, marred, or rejected every measure which seemed calculated to promote the common weal;—rightly judging, that the odium of this would not fall upon them, but upon the government, which neither in fact nor in theory could be held guilty. Now, the history of every land, in which the functions of the Executive have been usurped by an assembly, not weak through internal divisions, and backed up by extraneous support, shows us, that of all tyrannies this is the most deplorable, in its near and its remoter consequences alike. And we well remember that, whereas Jefferson could perceive no dangers under the Constitution, possible, save the conversion of the President into a Monarch, (for, not naturally a man of wide views, the affairs he had taken the greatest part in had contracted his mind, so that he feared no evil for America, except the infliction of a king upon it, nor from any quarters save from Great Britain and the Federalists of New England;) we remember, that even then, to men of larger minds, it appeared far more probable, that the deadly perils for the Constitution lay in precisely the opposite quarter, namely, in the exaggeration of the powers of the Legislature; and the insubordination of the State-governments.

Nothing was more to be dreaded, had Adams been re-elected, than that Congress should push the advantages it had gained over the Administration, until it had achieved some disturbance in the constitutional balance of powers; and for the State governments, our last chapter has presented them in an aspect which called for a very different kind of check than Adams would ever have consented to employ. With regard to this source of danger, it will be demonstrated to us, that Jackson could outface it and keep the Constitution safe; and though we shall have no such evidence concerning the other, we shall find that he could oppose his *Veto*, very effectually, to the measures of the legislators, and that there was no longer any cause to dread the encroachment of that branch of the government upon the powers and functions of the executive.

Reform and Retrenchment, this was the most condensed summary of Jackson's domestic policy, as he wished it to be understood, whilst he was busied in his canvass. Happily for him, (not so for those he addressed those magic words to,) they were so vague, that almost anything might be made, afterwards, to look like the fulfilment of the promises implied in them. We shall soon however see how the new President interpreted and fulfilled the vows which, as a candidate, he had made.

On March the 4th, 1829, (John Quincy Adams having departed from Washington,) with ceremonies closely resembling those observed at the inauguration of the preceding Presidents, General Jackson was solemnly inducted into office, and made his inaugural address. In which, with brief prelude, he thus expounded his principles and intentions.

“In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power; trusting thereby to

discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honourable terms; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

"In such measures as I may be called on to pursue, in regard to the rights of the separate States, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the Confederacy.

"The management of the public revenue,—that searching operation in all governments,—is among the most delicate and important trusts in ours; and it will of course demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the National Debt,—the unnecessary duration of which is incompatible with real independence,—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender."

"With regard to a proper selection of the subjects of imposts, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the Constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favoured; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them, that may be found essential to our national independence.

"Internal Improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

"Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment. \* \* \* The gradual increase of our navy, \* \* the preservation of our forts, arsenals, and dockyards, \* \* are plainly prescribed by prudence. \* \* But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible."

The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of *reform*; which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of election; and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.

"In the performance of a task, thus generally delineated, I shall endeavour to select men whose diligence and talents will insure, in their respective



CHAP. stations, able and faithful co-operation, depending for the advancement of the  
I. — public service more on the integrity and zeal of the public officers, than on  
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First amongst the practical expositions of the policy of the new Administration, must needs come the selection of the members of the Cabinet; and no long time was left for conjecture and rumour; but when the list was announced, although no objection could be made in the Senate, considerable disappointment was felt throughout the country. Martin Van Buren, who was at the time governor of New York, and who had been a warm supporter of Crawford, was made Secretary of State. Samuel D. Ingham, a Pennsylvanian adherent of the President, was (by the influence of Calhoun) appointed Secretary of the Treasury. John H. Eaton, one of Jackson's most confidential personal friends, received the post of Secretary of War. John Branch, nobody could tell why, was named Secretary of the Navy; and John M'Pherson Berrien, Attorney-general; perhaps it was to gratify the States these gentlemen came from, North Carolina and Georgia, that they were appointed; or because they both were supporters of Crawford.

The office of Postmaster-general had, even by Jefferson, been coveted, by reason of the vast amount of petty patronage pertaining to it; and Jackson was resolved to make it a Cabinet office. But M'Lean, who had been appointed by Monroe, refused to turn his department, which was especially one of public utility, into an engine to serve mere party purposes; wherefore, he was removed to a bench in the Supreme Court, and William T. Barry, an old friend and follower of the President, was put into his place. This completed the circle of responsible advisers to the chief magistrate of the Union. And, as Van Buren was unable to enter upon the duties of his office at once, for he had to disencumber himself of his governorship, his place was temporarily filled by James A. Hamilton, the son of that object of Jefferson's anti-monarchical aversion and fictions, General Alexander Hamilton, who was killed by Burr in a duel.

No time was lost in putting the new system of "Reform" into operation. It was a very simple one; but there was no essential novelty in it; and yet it took the country by surprise, both because it so little corresponded with Jackson's avowed principles, and because it was hard to say why it should have been promised under so imposing a name. Our readers will not fail to remember, (we must repeat,) that the new President had not been prominent as a politician; in that character he was almost unknown; and from the few votes he had given in Congress, and other public indications, he would certainly have been regarded as one of the "Washington-Monroe" school. His party was formed upon the basis of *personal* attachment and admiration; for it was by his personal qualities alone; his energy, his courage, his inflexible resolution, his imperious and unscrupulous conduct when in command, and, as the upshot of all these, his success,—it was by these that he had collected such a vast constituency. Whatever of politics had marked his party during the preceding Administration, had come from the fact that Adams' political

opponents had merged in it; and the force of numbers had rendered their action simply negative and obstructive.

This "Reform" proved to be nothing but an extensive *removal* of the subaltern and inferior office-holders under government, upon the self-same ground which, long ago, we saw Jefferson defining and vindicating! Jefferson himself was not the inventor of it, his originality consisted in the application of a power, which was (constructively) bestowed by the Constitution upon the President. Jackson's improvement consisted in the prodigious enlargement of the field in which he exercised this power, and the vast increase of the numbers he brought it to bear upon. The highest number of removals effected by any preceding President was thirty-nine; this was the extent to which Jefferson, in the course of eight years, for all reasons, had displaced Federal officials. His immediate predecessor, in the four years of his term, had removed ten; one of whom was a defaulter. Washington and Monroe removed nine each, during their Administrations; one who was displaced by the former was a defaulter; and of those superseded by the latter one had engaged in the African Slave trade, and so was a pirate, one had gone mad, one got into a quarrel with a foreign government, one had been guilty of "misconduct," and two were discharged for "failures." Madison had superseded only five, and three of them were defaulters. Whilst John Quincy Adams, whom the promise of "Reform" implicitly condemned so unsparingly, had removed only two officials, and both for satisfactory reasons.

Jackson's counsels to Monroe, when he entered upon his term of office,—counsels which Monroe declined to subscribe to, but, nevertheless, extensively acted upon, especially as they had been exemplified by the conduct of John Quincy Adams, prepared the thoughtful part of the people for a line of conduct that should be characterized by a lofty disregard of everything but the promotion of the public service. That class, too numerous in all States, which it is always the object of wise rulers to discourage and repress,—the office-seekers,—they only, with too true an instinct, anticipated the course which had been predetermined by the President.

Immediately after the adjournment of the Senate, when their brief extra and *pro forma* session was over, the process of "Reform" was begun; and before Congress met at the close of the year, the following results had been achieved. Four new Ministers plenipotentiary had been appointed, two new *Chargés d'Affaires*, and four new Secretaries of Legation:—the Marshals and District Attorneys had been changed in sixteen States, forty-eight Collectors, Surveyors, Naval Officers, and Appraisers had been removed, to make way for other men, and twenty-six Receivers and Registers in Western Land Offices; twenty-one new Consuls had been appointed; and in the department at Washington alone, forty-six changes had been made. Altogether, in the course of the nine months of the recess, a *hundred and sixty-seven removals, and re-appointments*, in which the Senate could not by any possibility have a voice, had taken place. If this were "Reform," no doubt could be entertained respecting the earnestness of the President in accomplishing it.

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The Annual Register, (we speak, of course, in every instance not otherwise distinguished, of the *American* too short-lived publication,) which betrays its Opposition tendency, says of these tolerably "sweeping" changes ;—"As these removals were invariably made to make room for political [the writer might more safely have said, "*personal*"] adherents ; and as, with some exceptions, [which it would have been miraculous, had the President of the United States been unable to find such, through the whole range of Federal officers ;] no act of official delinquency was proved against the former incumbents, the conduct of the Executive was subjected to severe animadversions." "The officers removed were experienced and faithful, and much was justly and forcibly urged against making the public offices the prize of party contests ; and thus augmenting party violence, and stimulating the cupidity of political adventurers by rewards distributed without any criterion, except the unscrupulous manner in which the candidates had promoted the views of their party."

"Occasion was also taken, owing to the defalcation of a few of those removed, to assert the necessity of reform ; and unsparing efforts were made to create an impression on the public mind of the necessity of a general removal of the officers of the Federal government. Some abuses no doubt existed, and one instance of fraud and defalcation on the part of an auditor, high in the confidence of the late Administration, gave a temporary popularity to this policy ; but when it was discovered, after a vigorous scrutiny, that defalcations to the amount of a few thousand dollars only were detected, and that *in no instance* were these fastened upon officers appointed by the immediate predecessor of General Jackson, a reaction took place in the public feeling, and doubts began to arise, whether the country might not lose as much by the inexperience of the new officers, whose fidelity was yet to be subjected to the test of experience, as by the defalcations of some of the old. A still heavier and better founded objection to this 'reform' was found in the private character of some of the new incumbents ; and the Senate was called upon to rescue the country from the disgrace of having its business committed to men whose conduct had awakened alike the indignation of the community and the censure of its laws."

We further read that the new President, "within the first year of his Administration, conferred a greater number of offices upon members of Congress, than any of his predecessors had done during their whole term of service." "As the members appointed had been actively engaged in promoting his election, he was not only accused of inconsistency, [for he had denounced this course, when giving Monroe that gratuitous advice which has been referred to ;] but of carrying into practice that system of corruption which he depicted as the probable consequence of that mode of bestowing offices. The numerous appointments bestowed upon editors of violent political journals, were also severely criticized. It was denominated [surely, with little reason,] an attempt upon the purity of the periodical press, [which Jefferson, when he was President, forgetting the share he had had in corrupting it, had deplored as



totally contaminated;] and when systematized it would directly tend to augment the violence of party disputes, and to corrupt the fountain of political intelligence, by holding up public office to editors as a reward for electioneering services.”

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The introduction of the Postmaster-general into the Cabinet was the means of effecting yet more spreading “reforms,” through the “enormous patronage” vested in that functionary. Within year and day of the beginning of this good work, four hundred and ninety-one post-masters had been displaced, and others appointed in their room. And, as if for the purpose of precluding the possibility of dispute, respecting the ground of this “root and branch” proceeding,—the number removed in eleven States or Territories, which had given their votes, wholly or in part, at the Presidential election, to Adams; or were (like Michigan,) Northern in all their sympathies; was three hundred and nineteen; whilst in seventeen States or Territories, which had voted wholly for Jackson, or (like Arkansas,) were Southern in all their interests, only half that number, a hundred and sixty-one, had been removed! The number of “removals,” *in the first year* of Jackson’s Administration, was thus very *nearly seven hundred*. And even this falls short of the total of party “appointments” in the same time, which included as well all offices falling vacant through the death, or expiration of the term for which the former appointments had been made. There was thus effected “a reform, which could scarcely have been more complete, had a revolution taken place in the government itself, instead of a change in the persons administering it.”

For the purpose of avoiding the least appearance of injustice, we must extract a few sentences from Benton’s “Thirty Years’ View;” for as he numbers amongst his authorities, “the private papers of General Jackson,” he may not unfairly be regarded as his advocate, in respect of questions such as this. This writer, after availing himself very skilfully of a mistake of De Tocqueville, concerning the course adopted by John Quincy Adams with the government officials, proceeds thus to defend his successor’s policy.

“He came into office under circumstances well calculated to excite him to make removals. In the first place, none of his political friends, though constituting a great majority of the people of the United States, had been appointed to office during the preceding Administration; and such an exclusion could not be justified on any consideration.” The view of “office” implied in this complaint, requires to be well noted. Theoretically, (or, as we would rather say, truly,) “office” means *public duty*, which he should be invested with, who is most competent to discharge it; as Jackson formerly counselled Monroe to keep in mind always. The circumstance of a politician, or public man, who has taken up a hostile attitude to the chief magistrate, having a large following, does not of itself impose the obligation of selecting in any proportion from amongst them those who should be intrusted with office. The experience of Washington (we may further say, approaching Benton’s own ground,) would strongly dissuade from such generosity; and (taking

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our stand in our author's position,) it is plain, from Jackson's personal policy, that this argument is "special-pleading," and must be dismissed.

"His election," continues the ex-Senator, "was in some degree a revolution of parties, or rather a re-establishment of parties on the old line of Federal and Democratic. [We have seen the error contained in this view of the parties now under consideration.] It was a change of Administration, in which a change of government functionaries, to some extent, became a right and a duty. [This, however, is the point actually at issue. Government by party, and *for* party, must be conceded as the real meaning of the Constitution, before this statement can be allowed to pass unchallenged. But Benton is aware of this, as his qualifying expression, "to some extent," and his previous explanation of the small number of officers removed, compared with the sum total of public office-holders in the Union, clearly indicate.] But still the removals actually made, when political, were not merely for opinions, but for conduct under these opinions; and unhappily there was conduct enough, in too many officials, to justify their removal." And then it is stated, at some length, that they exerted themselves *against* Jackson, in the late election; so that to show how wrong this was, they were displaced, and others appointed who had exerted themselves *for* him. This is only insinuated; the plain fact being admitted thus—"They were non-combatants. By engaging in the election they became combatant, and subjected themselves to the law of victory and defeat,—reward and promotion in one case, loss of place in the other;"—which implies the same partisan view of public office we objected to at first.

Benton next turns to Jefferson for support, and then he "feels bound" to make a "declaration" to this effect, "that the doctrine of the Jefferson school [concerning removals,] has been too much departed from of late, and by both parties, and to the great detriment of the right and proper working of the government." "The practice of removals for opinion's sake is becoming too common, and is reducing our Presidential elections to what Mr. Jefferson deprecated, 'a contest of office instead of principle;' and converting the victories of each party, so far as office is concerned, into the political extermination of the other." "I consider 'sweeping' removals, as now practised by both parties, a great political evil in our country, injurious to individuals, to the public service, to the purity of elections, and to the harmony and union of the people."

We need not follow our author any further; it is enough for our purpose, that he admits the unmitigated evil of the custom which Jackson introduced, the first step towards which was taken by Jefferson, whose authority he very properly cites in vindication of these proscriptions; though he fails to establish his claims to be more than a timid time-server, even in the gratification of his political hatred. "How often I think of" Nathaniel Macon, (who never would accept an office, though often implored to do so,) says Benton, "when I see at Washington robustious men going through a scene of supplication, tribulation, and degradation, to obtain office, which the salvation of the soul does

not impose upon the vilest sinner!" He should have thought too of Jefferson and of Jackson, and given to them the credit which is justly due to them, and to the latter especially, of being the authors of this national infamy.

There was no other business of importance transacted during the recess; and the twenty-first Congress assembled for its first session upon the 7th of December, 1829. There was a goodly gathering of the Members of both Houses, and the strength of the Administration amongst the Representatives was shown by the re-election of Andrew Stevenson as speaker, by a hundred and fifty-two votes, against twenty-one given to William D. Martin, and eighteen scattering. On the next day the Message from the President was received.

It was of much greater length than had been customary, and the foreign relations of the government held the foremost place in it. Deferring our notice of this portion, we extract the first recommendations concerning domestic affairs which it offered to Congress. This part of the Message was looked to with far greater anxiety than usual, because so little was known of the political principles of the new President; his opposition to his predecessor having afforded scarcely even a negative glimpse of them.

"I consider it one of the most urgent of my duties, to bring to your attention the propriety of amending that part of our Constitution, which relates to the election of President and Vice-president. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

"To the People belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any cases be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

"The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the people may not be always ascertained; or, if ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by twenty-four votes; and it may often occur, that one of these will be controlled by an individual Representative. Honours and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent, that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from a conviction



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that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest,—all accurately informed of the wishes of their constituents,—yet, under the present mode of election, a minority may often elect the President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—that *the majority is to govern*,—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

“In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavour so to amend our system, that the office of Chief Magistrate may not be conferred upon any citizen, but in pursuance of a fair expression of the will of the majority.

“I would therefore recommend such an amendment of the Constitution as may remove all immediate agency in the election of the President and Vice-president. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration, whether a provision disqualifying for office the Representatives in Congress, on whom such an election may have devolved, would not be proper.

“While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations, as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted, by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the Cabinet, and in diplomatic stations of the highest rank, the best talents, and political experience, should perhaps except these from the exclusion.

“There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavourable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations, immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government, rather as a means of promoting individual interests, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the

few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance ; and I cannot but believe, that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the Government would not be promoted ; and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

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"In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment, nor continuance in office, is matter of right. The incumbent became an officer with a view to public benefits ; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station ; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."—

Our readers will note the bald assertion respecting "the first principle of our system—that the majority is to govern ;" a principle which may be said to have been imported, (from France ?) into "our system," rather than to have been introduced by its founders ; as the practice of Washington in the formation of his Cabinet, and the checks and preventions to the hasty adoption of Amendments inserted in the Constitutions, clearly show. It cannot, however, be doubted that Jackson's recommendation to Congress to alter the manner of the President's election, (although his complaint of the frustration of the popular will by an election by the House of Representatives was personal and frivolous,—for the choice did not devolve on them, till the people had themselves *frustrated* their own will, by making none ;) was based on reason.

For, as Senator Benton remarks, in his comments upon this passage,—  
"The selection of President has gone from the hands of the people—usurped by irresponsible and nearly self-constituted bodies, in which the selection becomes the result of a juggle, conducted by a few adroit managers, who baffle the nomination, until they are able to govern it, and to substitute their own will for that of the people. Perhaps another example is not upon earth of a free people voluntarily relinquishing the elective franchise, in a case so great as that of electing their own chief magistrate, and becoming the passive followers of an irresponsible body—juggled, and baffled, and governed by a few dexterous contrivers, always looking to their own interest in the game which they play, in putting down and putting up men."

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The blame of this innovation upon (or development of?) the article of the Constitution, relating to these elections, must be shared between the ultra-Federalists, who held a caucus for the purpose of displacing John Adams when he displeased them by making peace with France; and the partisans of Jefferson, who simultaneously adopted the same means for securing to their leader and Aaron Burr the support of the whole Republican party. The convention system, as we remarked on the occasion of its being first adopted, was an improvement upon the plan of nomination by a caucus. But it was an interference with the prerogative of the people, which we should scarcely have expected to find endured so long in the United States. We must however return to this subject on a future occasion.

Much that is open to criticism, in the extracts we have given, we must leave unnoticed; but we may point out the statement that the Constitution "was, by its framers, deemed an experiment," as singularly contradicted by the impediments thrown in the way of alterations; which were so considerable, that Jackson's recommendations in this first message have never been carried into effect. It appears too, from one paragraph, that the General, though he had now attained the object of his ambition, the President's chair, could neither forget nor forgive his disappointment at the previous election.

Few of our readers, perhaps, will be disposed to agree with Jackson in his slight appreciation of the benefits of experience to officers of state, since how plain and incomplex soever the system of government and the functions of its officers might in theory be; practically, (such is the perversity of human nature, even in the most favoured countries,) they presented a very tangled and perplexed problem to the functionary who was intent upon the discharge of his duty;—as we shall find proved subsequently, by the President's own experience. We need not protest against that part of the representation, which evidently originated in the necessity the writer felt himself to be under, of justifying his wholesale removals.

By a singular coincidence, Jackson expresses, at the outset of his official career, the same opinion that Jefferson did, respecting the advisableness of limiting the service of the chief magistrate to a single term. Both of them were, however, induced to consent to a re-election. But we must return to the Message.

The Tariff next came under consideration. Its operation, the President said, had "not proved so injurious" to agriculture and commerce, "nor so beneficial" to manufactures, "as was anticipated:" a not uncommon result of protective legislation. Nevertheless, he "invited attention" to it, believing that "some of its provisions required modification." Into the particulars of his counsel we need not enter; but the ethical advice of one passage renders it worthy of transcription here.

"In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party



conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just; and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy, the North, the South, the East, and the West, should unite in diminishing any burthen of which either may justly complain."

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The commercial world, it appears, had been harassed by "low prices, temporary embarrassment, and partial loss;" nevertheless, the financial statement wore a very satisfactory aspect. Adams had left in the Treasury nearly six millions of dollars, (a very excellent basis, it must be admitted, for the promised "retrenchment;") the receipts of the year were estimated at above twenty-four millions and a half, while the expenditure amounted to more than twenty-six millions; so that the balance in the Treasury, at the end of the current year, would be less than four millions and a half. During the year, nearly twelve millions and a half had been paid on account of the Public Debt; which amounted now to no more than forty-eight millions and a half. "The sudden withdrawal," "from the banks in which it had been deposited, at a time of unusual pressure in the money markets," says the Message, "of so large a sum" as nearly nine million dollars, which was paid off on the 1st of July, it was feared "might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States."

In anticipation of the time, when, by the payment of the debt, the demand upon the Federal Treasury should be greatly diminished; while by the progress of Commerce the revenue should be largely increased, it was suggested that the surplus should be apportioned among the several States, "according to their ratio of representation."

"Upon this country," the document proceeds, "more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. \* \* It is our duty to preserve for [the Government] the character intended by its framers. \* \* Let us \* not undermine the whole system by a resort to overstrained constructions.

"The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation, relating to our internal affairs, was intended to be left, where the Federal Convention found it, in the State governments. \* \* I cannot therefore too strongly or earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sus-

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tained by its healthful and invigorating influence, the Federal system can never fall."

Many suggestions relating to the Treasury department were next offered. They bore upon the method of collecting the revenue, the large amount of public money "outstanding;" the release of debts to the Government "where the conduct of the debtor is wholly exempt from the imputation of fraud," and the numerous frauds committed on the Treasury which had necessitated several prosecutions. And, continued the President;—"In connexion with this subject, I invite the attention of Congress to general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations."

Pensions for the army, and for *all* the surviving soldiers of the Revolution, the removal of the Indian tribes, the Navy, the Federal Judiciary, and the reorganization of the Department of State, were next touched upon; and a foreshadowing of the subject, which has made this Administration specially remarkable, was afforded by these paragraphs, occurring near the close of the Message.

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this Bank, are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government, and its revenue, might not be devised, which would avoid all constitutional difficulties; and, at the same time, secure all the advantage to the Government and country, that were expected to result from the present Bank."

No subsequent Message of Jackson will require such minute notice as this, in which he unfolded generally his scheme of policy; of which we can say only, that in all its essential principles it was a reproduction of Jefferson's.

The appointments to office made during the recess, were not immediately submitted to the Senate for its approbation. A month expired before the commencement of the long list was presented, and more than two months had elapsed before the last name was sent in. "This delay, which was attributed to the disagreement between the friends of the Vice-president and of the Secretary of State, although it tended to consolidate the strength of the

Administration, did not produce a general confirmation of the appointments." However widely opinions differed with regard to the necessity of that kind of "reform" which Jackson had attempted, by removing so many of the nominees of his predecessors, there was no difference as to the impropriety of his using the opportunities thus created for rewarding the electioneering services of his partisans. And in consequence, many of the nominations were rejected, "and in some instances the vote rejecting them was so large as to convey a strong censure upon the selection of the President.

From time to time we have noticed the question of the Public Lands, both as it appeared before Congress, and as it bore upon the welfare and progress of the States and Territories in which they lay, and upon the interests of the aborigines, whose "title" to them had in every case to be voided, before any sales could be effected. In the last Book two new aspects of it were presented; one in Senator Benton's story of "Granny White," and the other in the Cherokee Controversy with Georgia; both of which promised a very troublesome increase of the complications already existing.

We do not need to relate in full the events by which matters had been brought to the position we now find them in. Our readers will at once remember that the possession of the ultramontane region (as we have entitled the country between the Appalachian mountain range and the Mississippi,) was obtained by the general government, by the Treaty of 1783,—subject only to the claims of the several States, under their charters as colonies, which were ultimately, on various grounds and considerations, renounced. The wider but less immediately valuable region beyond the Mississippi was acquired by the purchase of Louisiana, negotiated by Jefferson. And out of the whole of this extra-State territory, which belonged to the United States, and could be held by the general government alone, it was proposed to construct new States, as rapidly as the settlement of it should justify the proceeding;—settlers in general (for there were plenty of free grants for various services, and as bounties for enlistment, in the second war,) being required to purchase their lands, the titles of which the government undertook to clear.

Owing to the failure of many speculative purchases, and the inability of other buyers to pay when the full sum was due, so much public money on the land account was outstanding after some years, that a measure for the relief of insolvent purchasers was passed by Congress, and the upset price per acre was reduced from two dollars to one and a quarter, on condition that the payment should be immediate. The practice of selling at the minimum price the lands not sold by public auction failed however, as is not surprising, to bring purchasers for the less valuable tracts, and the States' governments looked upon the general government and its land-system, as hostile to the progress of their sovereignties in population and prosperity.

This was the feeling of the Western States especially, and in 1826 Senator Benton, who was virtually the Representative of that section of the country, proposed a system of prices, graduated according to the actual value of the



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unsold lands, so as to secure a more evenly dispersed population; he also recommended the donation of small tracts to settlers, for the purpose of attracting such as were unable to migrate westward, in consequence of poverty. How warmly the Western States supported these propositions, can be seen by the fact that the principle of State-sovereignty was appealed to by the sober North, and Indiana could pass such a resolution as the following, on the 9th of January, 1829.

“Resolved, by the General Assembly of the State of Indiana, that this State, being a sovereign, free, and independent State, has the exclusive right to the soil, and eminent domain of all the unappropriated land within her acknowledged boundaries;—which right was reserved to her by the State of Virginia, in the deed of cession of the North-west Territory to the United States; being confirmed and established by the Articles of Confederation, and the Constitution of the United States.”

Nothing could more convincingly prove the necessity of some movement on the part of the general government, than this Resolution; and, accordingly, during this first session of Congress under Jackson's Administration, a few days before the end of the year, Senator Foot of Connecticut presented to the branch of the Legislature in which he sat, this Resolution:—“Resolved, that the Committee on Public Lands be instructed to inquire into the expediency of limiting, for a certain period, the sales of the Public Lands to such lands only as have heretofore been offered for sale, and are subject to entry at the minimum price, and also whether the office of Surveyor-general may not be abolished without detriment to the public interest.” To which was soon appended by an amendment the following alternative; “or whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the Public Lands.”

Foot's design in proposing this resolution was simple and manifest enough. The average annual sales of Public Lands amounted to a million of acres, and there were nearly a hundred millions of acres of the national domain, already surveyed, unsold; which he thought would supply the market, were the annual sales to experience a far more remarkable rise than was at all probable, for more than the life-time of one generation; so that if his suggestions were adopted, a considerable retrenchment of the public expenditure might be effected, without any diminution of the revenue from that source, or any hindrance to the settlement of the West.

The usual course when a Resolution proposing an inquiry was presented, was to postpone the discussion till the committee should report something which required the action of Congress. On the present occasion, however, this course was not pursued, for Senator Benton at once resisted the Resolution; its effect, he tells us, if sanctioned upon inquiry, and carried into legislative effect, “would have been to check emigration to the new States in the West,—to check the growth and settlement of these States and Territories,—and to deliver up large portions of them to the dominion of wild beasts.” So he and other Western Members, he adds,

"treated it as an injurious proposition,—insulting as well as injurious,—and not fit to be considered by a committee, much less to be reported upon and adopted." And he gives an "extract" from his great speech, in which these views are urged with energy enough, if also with some irrelevancy of argument. "The debate spread," he continues, "and took an acrimonious turn, [whereat we are not in the least surprised, after reading his own account of the way in which he "opened" it;] and sectional, imputing to the quarter of the Union from which it came [Benton is too modest to say, that he himself was the author of this imputation against the patriotism of New England; which we can but regret,] an old and early policy to check the growth of the West at the outset, by proposing to limit the sale of the Western lands, to a 'clean riddance' as they went,—selling no tract in advance until all in the rear was sold out."

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"The real and only material objection," according to another authority, "to a discontinuance of the surveys, was, that it might abridge the emigrant in his choice of lands, and in this manner impede the progress of settlement." But it must be considered somewhat hypercritical to urge such an objection, when there were almost a hundred millions of acres for the emigrant to choose from; and the unsurveyed lands lay so far from the inhabited regions, as to offer little inducement to the formation of any isolated settlement. Here, in truth, and in Benton's statement of the ever-expanding vortex of this debate, we may discover the real purport of this Congressional combat;—which from the moment of his rising, became *à l'outrance*. Webster's biographer regards it as an unfortunate accident that, in this case, as in so many others, "a resolution of inquiry on a business question of no urgent importance, intended to have no political bearing, and brought forward without concert with others, by an individual," became "the theme of impassioned debates for weeks and months, to the serious obstruction of the real business of Congress." The *Annalist* ascribes it to Calhoun's melancholy discovery that he had no power under the Constitution, as president of the Senate, to maintain order in the debates.

But, in a country where local interests are the basis of all political parties, they necessarily produce what the logician denominates "cross divisions;" and by an inevitable "association of thoughts," in *impassioned* discussion, on a matter of itself innoxious, but casually suggestive of harm, in an assembly without any preventive from wandering from the question, the current of discourse must wander far and wide. In an instrument cunningly strung like the Senate, if any chord be roughly sounded, every other will vibrate responsively according to its harmonical relations with that one; and discord enough, though not absolutely irresolvable, ensue.

And thus it happened in this debate, commenced by Benton on the ground of the hostility between the interests of the old States on the Atlantic and the new ones in the valley of the Mississippi, it at once deviated to the alleged un-Americanism of New England; and as it was on the Slavery question that New England most resolutely stood opposed to the South, (Missouri, though

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From this new point of departure, the subject of “removals” was arrived at next, by an easy and direct course; but only on the way, (*en passant*, as it were,) to the most recent and most menacing matter of difference between the North and the South,—the Protective Tariff; whence at a single step the grand controversy regarding the fundamental nature of the Constitution, and the practical question of “*Nullification*,” were reached!

Space and time alike would fail us, should we attempt to give a particular account of all the speakers and speeches of this celebrated debate. Yet some very brief mention of the most conspicuous is necessary. Benton, who commenced it, and struck the key-note for the party, and Hayne, of South Carolina, who concurred with Benton in the conviction “that it could never be right to inquire into the expediency of doing a great and acknowledged wrong,” (as if the very question were not *what was right* in this matter;) these were the leaders against Foot’s Resolution. On the other side stands Daniel Webster, who on this occasion transcended all his former efforts, in two speeches delivered almost without premeditation, certainly without previous study, which triumphantly “vindicated the government, under its successive Administrations, from the general charge of having managed the Public Lands in a spirit of hostility to the Western States,” and “New England against the accusation of hostility to the West.”

The second of these astonishing Orations, spoken in rejoinder to Hayne’s reply, was one of the most forceful appeals to the verdict of History, in a question of such moment as this to the very existence of the Union, ever uttered. It was no less forcibly felt at the time. The author of “Reminiscences of Congress” has depicted the scene presented by the Senate, on that Tuesday, January the 26th, 1830, “a day to be thereafter for ever memorable in Senatorial annals.”

“There never was before, in the city,” says he, “an occasion of so much excitement. To witness this great intellectual contest, multitudes of strangers had for two or three days previous been rushing into the city, and the hotels overflowed. As early as nine o’clock of this morning, crowds poured into the Capitol, in hot haste; at twelve o’clock, the hour of meeting, the Senate Chamber, (its galleries, floor, and even lobbies,) was filled to its utmost capacity. The very stair-ways were dark with men, who clung to one



another, like bees in a swarm. The House of Representatives was early deserted. An adjournment would hardly have made it emptier. The speaker, it is true, retained his chair; but no business of moment was, or could be, attended to."

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Let one incident demonstrate the correctness of this statement. Dixon H. Lewis, Representative from Alabama, was at the back of the Vice-president's position, "when the crowd was particularly intense." "From his enormous size, it was impossible for him to move without displacing a vast portion of the multitude. Unfortunately, too, for him, he was jammed in directly behind the chair of the Vice-president, where he could not see, and hardly hear, the speaker. By slow and laborious effort, pausing occasionally to breathe, he gained one of the windows, which, constructed of painted glass, flank the chair of the Vice-president on either side. Here he paused, unable to make more headway. But determined to see Mr. Webster as he spoke, with his knife he made a large hole in one of the panes of the glass; which is still visible as he made it."

When at length the great master of eloquence commenced, our informant says, "Every head was inclined closer towards him, every ear turned in the direction of his voice, and that deep, sudden, mysterious silence followed, which always attends fulness of emotion. From the sea of upturned faces before him, the orator beheld his thoughts reflected as from a mirror. The varying countenance, the suffused eye, the earnest smile, the ever-attentive look, assured him of his audience's entire sympathy. If among his hearers there were those who affected at first an indifference to his glowing thoughts and fervent periods, the difficult mask was soon laid aside, and profound, undisguised, devoted attention followed. In the earlier part of his speech, one of his principal opponents seemed deeply engrossed in the careful perusal of a newspaper he held before his face; but this, on nearer approach, proved to be *upside down*." "There was scarcely a dry eye in the Senate, all hearts were overcome; grave judges, and men grown old in dignified life, turned aside their heads to conceal the evidences of their emotion." "Many who had entered the hall with light, gay thoughts, anticipating at most a pleasurable excitement, soon became deeply interested in the speaker and his subject, and surrendered him their entire heart; and when the speech was over, and they left the hall, it was with sadder, perhaps, but surely with far more elevated and ennobling, emotions."

One or two paragraphs of the speech itself, although the wondrous effect produced at the moment might be owing in part to the tones, and gestures, and burning glances, of the speaker, we must give, to show the quality of this great oration.

"Mr. President," said Webster, when he reached that part of his opponent's remarks which had reflected severely upon the Old Bay State; "Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston,

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and Concord, and Lexington, and Bunker Hill; and there they will remain for ever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State, from New England to Georgia; and there they will lie for ever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it, and party-strife and blind ambition shall bark at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, it will stand in the end by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigour it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin."

"The people," said he, as he drew near the c'ose, "have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown, grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be; evaded, undermined, NULLIFIED, it will not be; if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and righteously discharge the two great branches of our public trust,—faithfully to preserve, and wisely to administer, it.

"Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot even now persuade myself to relinquish it, without expressing once more my deep conviction, that, since it respects nothing less than the union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honour of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the same school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

"I have not allowed myself, sir, to look beyond the Union, to see what might be hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty, when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of discussion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant, that in my day, at least, that curtain may not rise! God grant, that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonoured fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched (it may be) in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honoured throughout the earth, still full high advanced; its arms and trophies streaming in their original lustre; not a stripe erased or polluted, not a single star obscured; bearing for its motto no such miserable interrogatory as, 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first, and Union afterwards;' but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea, and over the land, and in every wind under the whole heavens, that other sentiment dear to every true American heart,—Liberty and Union, now and for ever, one and inseparable!"

Senator Benton tells us that, for the purpose of "helping" the overwhelmed South Carolinian, "where he could," he "ridiculed, as well as he could," this "fine peroration," notwithstanding its "noble sentiments;" "deeming it a fit subject for gentle castigation," because he "really thought it out of place." We do not quote his "essay;" but we owe it to him to say that he avers that he did it "ignorantly and in unbelief." In all the fiery "Resolutions" of the Southern States, he "saw no sign" of such a "calamity" as *disunion*. "I positively discredited it, and publicly proclaimed my incredulity. I repulsed the belief. I pushed aside every circumstance that Mr. Webster relied on, and softened every expression that Mr. Hayne used, and considered him as limiting (practically) his threatened resistance to the Tariff Act, to the kind of resistance which Virginia made to the Alien and Sedition Laws,—which was an appeal to the reason, judgment, and feelings of the other States,—and which had its effect in the speedy repeal of those laws. Mr. Calhoun had not then uncovered his position in relation to *nullification*. I knew that Mr. Webster was speaking of him in all that he said to Mr. Hayne; but I would believe nothing against him except upon his own showing, or undoubted evidence."

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It was not thus that Benton in his "gentle essay" spoke of the "Hartford Convention;" and yet the promoters and supporters of that movement were not a whit behind such as Hayne and Calhoun in their virtues, and as fellow-citizens deserved the same candour. But, in truth, "the Hawk of Missouri" has spontaneously and unwittingly added his testimony to that which has been accumulating in our pages;—he also accepts the slightest sign made by the North, as indicative of a deliberately formed and irreversible purpose; but the loudest and most enthusiastic declamations of the South, are to him "words, only words," and they pass by him "as the idle wind which he regards not." Herein, if the North would but consider it, and not in its members, its wealth, its commercial energy, lies the secret of the superior influence which it possesses, and could always wield, in the national councils; and the admission of the fact ought to be held as ample amends for all that has been injuriously alleged against it.

The issue of this hotly agitated question was the passage of the Bill brought forward in the Senate by Benton early in the session; but it was taken to the House of Representatives too near the day of adjournment to allow any discussion, and it was ordered, with others in the same circumstances, "to lie upon the table."

Next in importance to this debate, and the effect of Webster's great speech upon the internal affairs and relations of the Union, may be reckoned the revision of the Tariff Law; although, like so much of the commercial legislation of America, (and Great Britain too, until the Repeal of the Corn and Navigation laws,) it was purely of a temporary nature. The principal discussion arose regarding a bill reported by the chairman of the committee on manufactures, to regulate the entry of woollen importations: but it was renewed and extended by the introduction of other bills, and of amendments, the relevancy whereof to their original motions is not obvious; and the entire effect was certainly not in favour of the larger policy advocated (in this instance) by the Southern party. Nor could the passage of several bills, reducing the duty on salt and molasses, tea and coffee, &c., be regarded as anything more than a strong expression of discontent with the Tariff of 1828; which, as we showed, was in fact a Compromise Law of a singular nature,—no section being able to insert any provision it desired for itself, but each contriving to introduce one or more, which it knew would be injurious to all the others. The tonnage duties, and the whole question of a reciprocal policy, which (according to Benton, who exhibits the Democratic signification of "Free-trade" thereby,) is the true commercial policy of the Union, were also largely ventilated on this occasion. But the most instructive, and at the same time the most painful, part of the business was the disclosure of frauds on the revenue, amounting (it was said) to some *three millions a year*.

How the President fulfilled his promise of "Reform" has been related, and although it was most flagrantly illusory, the nation hoped that the other promise, of "Retrenchment," would not prove so; especially as the Treasury was so well replenished, and it depended not merely on the word of the Ex-

ecutive, but was in the hands of his supporters in Congress. And in both Houses great show of activity was made. No fewer than ten bills, with some resolutions to boot, were brought forward amongst the Representatives; but most of them got no further than the first stages, one reached the Senate, and there expired, and one became law,—which was a measure for curtailing the expenses of government by the odd expedient of abolishing the practice of examining the books of the land officers yearly, and ascertaining the balance in the hands of the receivers. The office of draughtsman to the House was abolished by resolution, “after long and frequent debates;” and nothing else at all was accomplished.

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Bills for reforming the mode of publishing the laws, the appointment of postmasters, the displacement of defaulters, &c., introduced by Benton in the Senate, met with the like untimely and unexpected end. And so too did a resolution upon Jackson's recommendation to Amend the Constitutional mode of electing the President and Vice-president. So that the taunt of the Opposition was abundantly justified;—“These subjects of excitement had subverted the purposes for which they were intended, and the object of the agitation being answered in the triumph of their party, the instruments by which they had accomplished their ends were laid aside as no longer necessary.”

The Bank question was not taken up in a manner which gave any indication of the form it was destined speedily to assume. It could be handled, at this time, only as a matter of speculation; for the Bank of the United States had not applied for a renewal of its Charter. The Finance Committees of the Houses investigated the President's suggestion in this spirit; the Report presented to the Representatives treated the Constitutional difficulty as *de facto* non-existent; seeing that the first Bank had been chartered by a government composed in good part of the framers of the Constitution; and that all the Presidents, and the Federal Judiciary, had given their distinct sanction to the institution. The refusal to renew the charter, also, which had been effected by the majority of one vote in the House, and by the casting vote of the president of the Senate,—the Bank having been regarded as a Federalist establishment,—had led to such disorders in the currency, and in the public finances and credit, that the second Bank had been incorporated, by large majorities in Congress, as the only effectual remedy. As to the expediency of renewing the Charter when the Bank should apply, the Report showed that the ends for which the Charter had been granted had been answered, and that, therefore, a regard to the public interest would dictate its renewal.

Jackson's proposed *government* national Bank, the Report declared unlikely to furnish a currency without branches; whilst “with branches it would be still more objectionable, as it invested the Federal Government with patronage of most extensive influence, and embracing the control of all the bank accommodations to the standing amount of fifty million dollars. Such a control would introduce more corruption in the government than all the patronage now belonging to it. It was a desperate financial experiment, without

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parallel in the history of the world." And to the same effect the committees of the Senate reported;—a circumstance ominous enough for any Executive of less resolution than Jackson, because his supporters were a clear majority in Congress, and they knew that this Bank question was one he had set his heart upon, because he was uneasy so long as any persons beside the government possessed such an amount of patronage and influence in the nation, as the extent and nature of the business of a National Bank necessarily gave to its managers.

Amongst the minor Acts we note the re-appropriation of thirty thousand dollars for the suppression of the Slave Trade, which had been appropriated two years before, on the basis of an Act of Congress, passed in 1819, but was not expended; which showed the kind of zeal for the suppression of that shameful traffic possessed by Congress;—the grant of half the sum claimed by Massachusetts for expenses and militia services from 1812 to 1814, which had been refused before, though why no more than half should be allowed now, does not clearly appear; and the appointment of a new officer, the Solicitor of the Treasury, and of eight additional appraisers to examine imported goods, (no new regulation to prevent frauds having been made,)—by which the first instalment of legislative retrenchment and reform was completed. The session terminated on the 31st of May, 1830.

It was a busy session, notwithstanding the interminable debates; a larger number of Acts passed than ever before had passed in one session, though some had been considerably longer; and no fewer than *four Vetoes* were given; two having been the highest number given before in one session, and that by Madison, who gave only four during his eight years; Washington having given only two during his double term; Monroe, one; and Jefferson and the two Adamses, none at all. One of Jackson's Vetoes was placed in bar to an Internal Improvement Bill, known as the Maysville Road Bill; and in his Message accompanying it, he at once disappointed the hopes of his warmest supporters from the Middle and Western States, and placed his Presidential proceedings in direct opposition to those of his earlier Congressional career. Yet more remarkably, instead of adhering to the directions of the Constitution, and simply returning the Bill with his objection, he offered to approve it on certain conditions; which being, in effect, as said at the time, "a declaration that he would apply an *un-constitutional* appropriation upon a constitutional object," deserved to be stigmatized as the super-addition of "a breach of his own duty, as the chief Executive magistrate of the Union," "to a Legislative violation of the Constitution." Benton, with the warmth of a personal friend as well the zeal of a chief spokesman of the Democratic party, insists, that this Veto and its sustaining Message, together with Madison's regarding a bill for authorizing Internal Improvements generally, and Monroe's upon the Cumberland Road Bill, and "the action of Congress upon them," "may be considered as embracing all the Constitutional reasoning upon the question, and enough to be studied by any one who wishes to make himself master of the subject." It could not be expected



that Benton should allow, by even the faintest implication, that there could be any "Constitutional" reasoning on the other side; though some American statesmen, and those not the least eminent, have held that opinion.

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Congress seems to have been very imperfectly convinced by the "Constitutional reasoning" of the President's Maysville Road Bill Message, for it proceeded to discuss and also to pass several other bills, to which that reasoning, if it developed any general legislative principles, ought to have applied with all the force of an argumentative *veto*; and that, too, by majorities which showed how much ground the Administration had lost, by acting (as it appeared) without a rule or maxim, which could be enunciated so that the legislature might know what the President's policy really was. Some of these bills received his approval, others he retained to the full extent of the time allowed by the Constitution, so that they could not be considered till the next session; a course which excited all the more dissatisfaction, because the letter of the Constitution was so observed, that the violation of its spirit was the more manifest.

Whilst matters were thus proceeding in the Capitol, a deadly feud between two of the divisions of the Democrats, by means of a feud between their leaders, was ripening in the very bosom of the government. The ultimate causes of this dispute and rupture, as with every other one, were many; and whilst some were patent enough, others were so entirely personal and private, as never to find public expression. Jackson and the Vice-president, John C. Calhoun, were perhaps the most distinguished men of their party, and both were characterized by strong and imperious wills, impatient of control. This was an element of mischief; and as Jackson was the least scrupulous, looked most directly to the object to be attained, and least to the means and way of attaining it, he had an advantage over his antagonist which could not fail to make itself felt.

Americans of the present day do not need to be reminded, that as soon as a Presidential election is over, if not before, hopes, speculations, and plans, begin to be formed regarding the "succession," as John Adams called it. In the case of John Adams and Jefferson, the Vice-presidency had been the first stage towards the Presidency; but Madison, Monroe, and John Quincy Adams had been advanced to the seat of the Executive from the desk of the Secretaryship of State. Jackson was the first, after Washington, (we need not stay to discuss the points of unlikeness, as well as those of similarity, in the two instances,) who owed his elevation to his military renown, whose primary electors were the patriot forces he had led to victory. No successor on such a ground as this could be found, and thus the only "heirs presumptive" were the Vice-president, Calhoun, and Van Buren, the Secretary of State; and their claims were inevitably irreconcilable. In addition to these considerations, there was *Nullification*, which, if Jackson had been in any position except the Presidency, he might have been expected to take up, and make his own battle-ground against the government; but, as he was at the head of affairs, was, without controversy, *l'ère-majesté*.

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How the quarrel broke out we will now briefly tell. There existed some not perfectly intelligible disagreement between Calhoun and the Secretary of War, Eaton, (who had been introduced into the Cabinet, "solely on account of the confidential relations and intimate friendship subsisting between him and the President,") respecting "a lady," (the Secretary's wife,) in which Jackson took the part of his friend. Van Buren soon discovered that "the most direct road to Jackson's confidence was by sustaining his view of this delicate subject," and in consequence "made signal efforts to facilitate" the admission of the subject of dispute into society. The President, charmed with his faithfulness, was not long in transferring to his Secretary of State all the confidence he had bestowed upon the Vice-president, the Secretaries of the Treasury and Navy, and the Attorney-general; who were thus rendered a novel species of "Opposition" to Jackson and the other members of his Cabinet; and the schism was not without its influence upon many questions of great public importance.

No open rupture, however, occurred till near the close of the session of Congress we have just spoken of, when "by the agency of a particular friend of the Secretary of State," a letter written by Crawford to Forsyth, accusing Calhoun of having, when in Monroe's Cabinet, proposed a censure upon Jackson, for his manner of conducting the campaign against the Seminoles, was placed in the hands of the President. Calhoun had but a few days before demonstrated his adherence to Jackson, by securing with his casting vote the confirmation of Amos Kendall's appointment, (which had caused great scandal,) nevertheless an explanation of the charge was at once demanded by the President, in a tone which plainly showed a determination to receive none as satisfactory. Calhoun, in reply, showed that Jackson must have known his opinion upon the conduct of the Seminole war, and then turned aside to discuss the reasons for the revival of this affair, showing that it clearly was intended to cause a breach between him and the President, and so to damage him in the opinion of the friends of the Administration. The further stages of the quarrel will soon require notice, and the consequences of the whole upon the actors and the party will then appear.

During the year 1830, the fifth Census of the States was taken, and the results were these. Of free whites there were, under twenty years of age, males, 2,996,405; females, 2,907,347;—between twenty and forty, males, 1,548,697; females, 1,473,648;—between forty and sixty, males, 597,009; females, 579,456;—above sixty, males, 210,967; females, 209,803. The number of free coloured persons amounted to 319,576; and there were 2,009,050 (but other statements reduce the two last figures to 43, and even to 31,) slaves. The grand total appears variously as 12,858,670; 12,866,020; and 12,866,920.

Vermont alone appears without a slave; but only 2795 are enumerated in all the Northern States; yet the thralls amounted to nearly one-fifth of the entire free population; and constituted a full third of all the inhabitants of the Slave States.

The increase of the population, when compared with the numbers ascertained in 1820, was just thirty-three and a quarter *per cent.*; but, compared with those in 1790, the increase was above three hundred and twenty-seven *per cent.* The decennial increase in the Atlantic States, in 1830, was above twenty-nine and three quarters *per cent.*, and in the Western States, above sixty-three and a half; whilst in the Free States it was above thirty-five and three quarters, and in the Slave-holding States under thirty *per cent.*

When the adjustment of the number of Representatives to the number of inhabitants, now ascertained, was made in 1833, the Free States gained eighteen additional Representatives, whilst the Slave-holding States gained but nine.

Leaving the schism in the Cabinet, and the more ominous schism in the nation, arising from the *nullifying* resolutions of South Carolina and Georgia, to widen; and noticing merely an endeavour by the celebration of the birthday of Jefferson, to cause the observance of Washington's birth-day to fall into desuetude, which was rendered abortive by the ascription of the authorship of "Nullification" to him, (as was most just,)—leaving these and other affairs, for the present, we hasten to the opening of the Second Session of the Twenty-first Congress; which took place on the 6th of December; the Message being sent to both Houses on the following day.

After the customary references to the external relations of the Union, this document proceeded to speak of the bills for effecting internal improvements, that had been retained by the President at the conclusion of the last session; and were now returned to Congress without approval. "It was not possible," said the President, "within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance; and I was compelled to retain them for that purpose." And then he stated at great length his reasons for negating them; the only one wearing the semblance of a principle being, that the passage of such laws would produce contests in the Legislature amongst the States, for the expenditure of the surplus revenue for their benefit; to obviate the danger of which, a rateable distribution of the surplus amongst them was recommended, instead of devoting it to "internal improvements."

The necessity of amending the Constitution, in respect of the mode of electing the President and Vice-president, was once more pressed upon Congress,—the possibility of the choice devolving upon the House of Representatives being always the great evil which was to be guarded against. The following remarks occur in this part of the document.

"It was a leading object with the framers of the Constitution, to keep as separate as possible the action of the legislative and the executive branches of the government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon



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the tendencies of our system incline me to think, should be made still stronger. It was for this reason that, in connexion with an amendment of the Constitution, removing all intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer, and upon the tenure of offices generally." And so, lest the independence of either of the other departments of the government should be invaded, and that no improper influences might affect his appointment, continues the President, "I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution, as will render him ineligible after one term of service."

Next, the Aborigines were spoken of, and the progress of the removal scheme; and then came the Tariff. The effects of the existing law, said the Message, were "doubtless overrated, both in its evils and in its advantages." The only really practical suggestion offered, however, was of an ethical nature;—"To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course."

The financial report was in every respect most favourable. The receipts for the year were expected to exceed twenty-four millions and a hundred and sixty thousand dollars,—being about three hundred thousand more than had been reckoned upon when the last annual report was presented. The expenditure amounted to almost thirteen millions and three quarters, beside payments on account of the public debt, falling little short of eleven millions and a half. And the balance in the Treasury at the end of the year was expected to be above four millions eight hundred thousand dollars.

The Message further recommended the placing of the Attorney-general, as to compensation, "on the same footing with the Heads of the several Executive Departments," and the extension of his functions so as to make "the office one of daily duty." The authorization of the election of a Delegate for the District of Columbia was suggested. And, finally, after the reiteration of the doubt formerly expressed concerning the Constitutionality of the United States' Bank, the President recommended that a branch of the Treasury department should be authorized to sell bills of exchange, based on the credit and revenues of the government, and to receive money on deposit; but not empowered to purchase property or make loans.

First in importance of the legislative business of the session prescribed by the Message, were the measures for the promotion of internal improvement, which, in complete neglect of the President's scruples, were passed by Congress. Nor was this practical resistance offered to Jackson's views without consideration: a committee sat upon the objections by which he had justified his Vetoes, and the report presented by it, through one of the supporters of the Administration, strongly and pointedly condemned his opinions, and con-

cluded by a Resolution affirming the expediency of continuing the prosecution of internal improvements by appropriations of money, and by subscriptions for stock in companies incorporated in the States wherein the improvements might be effected, on the part of the general government.

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So decisive were the majorities in both branches of the Legislature, by which the bills with this object in view were passed, that "the President and his Cabinet found themselves compelled to yield to public opinion," and approve them, in spite of the decided disapprobation which they had expressed for measures of precisely the same character and intention. And it was considered that this course of policy was now established as that of the nation, nothing being required to carry it most beneficially into effect, but prudence and harmony on the part of the different sections of the government.

In the course of the former session of this Congress, the first steps were taken for the trial of James H. Peck, judge of the District Court of Missouri. One of the counsel in a cause about land-claims before him in that court, had published in the newspapers a comment upon his decision; which, as the decision was adverse to the commentator, we may believe was tolerably emphatic in its "respectful terms." For this reason, and because, when brought before the court, the offender declined purging his contempt by answering certain interrogatives, the judge sentenced him to imprisonment for four and twenty hours, and suspension from practice in his court for eighteen months. On the ground of this sentence, Lawless (for that was the unfortunate name of the sufferer,) appealed to Congress against Peck, and by a large majority it was determined in the House of Representatives to impeach the judge for high misdemeanours in office. The Senate was thereupon resolved into a court of impeachment, and Peck appeared before it, just before the close of the session. But as it was needful to bring witnesses from Missouri, and the adjournment was imminent, the trial was postponed; and it came on again shortly after the commencement of the present session. The excitement respecting this affair was great, especially in Missouri; for in the new States, that jealousy of the power of the Judiciary, which is a remarkable feature in the citizens of the United States generally, is found in a most exaggerated form. After long pleadings and speeches, the judge was acquitted by a majority of one; "the Senate believing that he had proceeded upon a mistaken view of the powers of the court, and that he was governed by a strong conviction of what he deemed his official duty."

We have repeatedly had occasion to relate instances of this impatience of Judicial authority, which in time came to be one characteristic of the Democratic party. The high character and standing of American jurists and judges, to which Great Britain, by the lips of her most eminent lawyers, and by her measures for the reform of her own legal system, has borne willing testimony, presents a most noticeable contrast to the suspicious jealousy with which the Judiciary, as one branch of the government, both in the Union at large, and in the States severally, has been uniformly treated. Invested by the Constitution with functions which render it co-ordinate with the Executive and the

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Legislature; charged with the exposition and maintenance of the Instrument of Government; with jurisdiction, original or appellate, in all cases, in law and equity, arising under the Constitution, the laws, and the treaties of the United States; between the States; and between the Union and other States; the Judiciary yet has no sufficient powers for the invariable and universal discharge of these lofty duties. Whilst the State-judiciaries have been gradually, by the mode of appointing them, deprived of the one essential element of judicial efficiency—independence.

Scarcely had the Constitution been brought into action, than a case occurred, (it is cited in law-books as, *Chisholm v. the State of Georgia*,) which clearly came within the powers of the Federal Courts; a citizen belonging to one State sued another State, for debt due to him from the government of that State. There were several cases, in fact, it must be noted; and three States were concerned as defendants in them, New York, South Carolina, and Georgia. The decision of a court of justice could be but one, in such a case,—in favour of the plaintiff. But so unpopular was the practical interference of the Federal Courts in such cases, in consequence of their impartiality and certainty to decide according to law and justice alone; and so great was the dissatisfaction of the non-suited State, which was thus sentenced to pay its debts,—that in the next session of Congress, in 1794, the Constitution was revised, and the right to bring such suits was taken away, as if the principle of State-rights was infringed and brought into danger by it. Ever since which Amendment, such suits have to be prosecuted in the courts of the State which would be a party in the case. And yet it was to prevent the collisions of conflicting authorities, and to secure some tolerable amount of practical right-doing on the part of the strong towards the weak, that the Constitution, in good part, was framed.

There was another case of great importance, known as *Cohens v. the State of Virginia*, which led to an attempt (happily for the stability of the Union, an unsuccessful one.) to push the recognition of State-sovereignty still further in that direction. Congress, acting as the local legislature of the District of Columbia, had authorized a lottery at Washington, the profits of which were to be appropriated to the improvement of the city; and Cohens had sold some of the tickets at Norfolk, Virginia, although that State had forbidden, under penalties, the sale of tickets for any lottery not authorized by itself. Cohens was therefore prosecuted by the State of Virginia, and although the defence was grounded on the facts that Congress, though a *local* authority so far forth as the District of Columbia was concerned, was a *national* authority in respect of the States; and that Washington being a national city, anything relating to it was national also; the verdict was (of course) in favour of the State.

Hereupon by a writ of error, the case was removed into the Supreme Court of the United States, judgment having been given invalidating a law of Congress. And in 1821, Chief Justice Marshall decided that,—although a State was a party on the record, and although it was alleged, by that State,



that no writ of error could constitutionally issue from the Supreme Court of the United States to a State Court,—such a removal of a judgment rendered against a defendant by a State Court into the Supreme Court of the United States, for the purpose of re-examining the question whether that judgment arose in violation of the Constitution or the laws of the United States, was perfectly in accordance with the Constitution. He also confirmed the original judgment which had been appealed from, deciding that the State of Virginia had not contravened “the supreme law of the land” by its law respecting the sale of lottery tickets.

“As by that decision,” says the writer of the Annual Register, at the date we have reached in our History, “the Federal Judiciary was enabled effectually to vindicate the power of the general government, it became the particular object of censure and complaint with those who deemed the rights of the States invaded. The present Congress was deemed a proper one to disenthral the States from the yoke which had thus been fastened upon them, and as the most effectual mode of doing this, the Judiciary Committee recommended the repeal of the twenty-fifth section of the Judiciary Act [which was specially intended to secure the appellate jurisdiction of the Supreme Court of the United States over the State Courts]. This would completely emancipate the State Courts from the control of the Federal Judiciary, and under the specious notion of maintaining State-sovereignty, the treaties and Constitution of the United States would be construed according to the fluctuating interests or caprices of the twenty-four States forming this confederacy.” The minority of the Committee, however, dissenting from this novel form of “Nullification,” submitted a counter-report, (for the decisions of majorities are not always regarded as binding and irreversible, even in the United States,) and in the end the proposal was rejected by a majority of nearly three to one.

A bill, declaratory of the law concerning contempts of Court, did however pass during this session; and by it, whilst the powers of the Courts were confined within limits that were not inconsistent with the personal freedom of the citizens, the authority of the Federal Judiciary over those subjects assigned to that department of the government was supported and maintained. We shall be compelled to revert to this matter before the conclusion of the present Book; and therefore will reserve some further remarks, as more fitting for the incidents which will soon claim our attention.

The other measures of the session deserving mention, were,—an Act to amend the laws of copy-right, extending the term to twenty-eight years; and for fourteen years, if the author, &c., should be living, or have left widow or child living, at the conclusion of that term;—one for the relief of certain insolvent debtors of the United States;—another for finally adjusting and settling the claims of James Monroe, the late President, against the United States;—and various appropriations for internal improvement, as that for carrying on the Cumberland Road, and that for improving the navigation of the Ohio. Others will come under notice in other chapters. Congress expired on the 3rd of March, 1830.

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No sooner had the labours and debates of the Legislature ceased to engross the attention of the nation, than the schism in the government demanded it. It had grown ever wider during the session, and now at length showed itself as an open rupture; for Calhoun printed the correspondence we have already spoken of, thereby declaring himself an injured man, and appealing to the country against those who had done the wrong. Warmly supported as he was in the South, and not without partisans in the Middle States, this step of Calhoun's could not fail to damage the Administration; which had already, by its uncertain policy, lost much of its influence in Congress.

There was another circumstance which not a little affected its credit with the people. From the first, the President discontinued the practice of holding Cabinet Councils. It was, consequently, first, a wonder how the affairs of the government were conducted, and next, it was asserted that Jackson was not so inaccessible to advice from others as this seemed to indicate, there being in fact an unofficial and unconstitutional squad of advisers at the White House, by whom reports respecting public persons and movements were collected and communicated to the private ear of the Executive, and his proceedings, Messages, appointments, &c., were concocted and directed. The Opposition called this supposed *privy Council*, "the Kitchen Cabinet." Whether this were so or not, no doubt could be entertained respecting the ascendancy which the Secretary of State had acquired over the President; and in Congress his name was mentioned in a way that must have been far from gratifying, either to him or to his patron.

How the newspapers throve upon this *scandalum magnatum*, needs not be told; nor how some, as "the Telegraph," changed sides and became organs of the Democratic Opposition; whilst others, like "the Globe," (which came into existence at the time of Jackson's accession, for the purpose of being the representative of his party,) remained true to the conqueror at New Orleans.

We owe to Benton's zeal for the memory of his friend the publication of Jackson's reply to Calhoun's pamphlet; but we are compelled, with great regret, to say, that except as a literary curiosity, and as affording to the enemies of America a justification of their worst accusations of *mala fides* in her dealings with Spain, (a service for which, in old times, a man would have been held guilty of *parricide*,) except on these grounds, the "Exposition of Mr. Calhoun's course towards General Jackson," serves no purpose whatever; and on every other consideration, as especially on the second of the grounds just named, it would have been infinitely better to let the thing remain in MS. for ever. Besides, this "Exposition" assumes that the only matter of controversy between the President and the Vice-president was the censure alleged to have been passed by the latter, in Monroe's Cabinet, upon the conduct of the former, in the Seminole war; and as Benton states, "that Mr. Calhoun himself was the sole cause of breaking their friendship, and consequently, the sole cause of all the consequences which resulted from

that breach." Whereas it was well known at the time, that there were at least two other "causes," which, although, or even by reason of, their being of a most secret and personal nature, operated the more powerfully. They were, that quarrel of Calhoun's with the Secretary of War, respecting the wife of the latter; and the assiduous court paid to the President by the Secretary of State.

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One more complication in this ravelled skein, (which reminds us of the staple of the History of England in the days of Queen Anne, though it is little less than miraculous to find a parallel between the weakest queen of Great Britain and the most imperiously resolute of the Presidents of the United States,) one other knot in these tangled affairs remains to be spoken of, before we can relate the *dénouement*. It was Jackson's remarkable destiny to act when in power in contradiction to almost every political dogma which he had distinctly avowed before he reached the height of his ambition. How by his most original scheme of "Reform," he contradicted and discredited the patriotism of the counsel he had offered to Monroe upon appointments, we have seen. We now find him, like his predecessor Jefferson, after having implored Congress to amend the Constitution, by making the Executive eligible for no more than a single term of office,—accepting the nomination for a second term!

Yet we cheerfully admit that there was much to justify the change of opinion. This feud in the Cabinet had so split and rent the party, that the consequences of a Presidential election, in which all the candidates for the principal office should be new men, might have been most fatal, not to the cause of the Democrats alone, but to the cause of *Democracy* itself. Added to which, we can see, in the earnestness with which Van Buren is said to have pressed his patron to allow himself to be put in nomination for a second term, the operation of the hope (which did not deceive him) of being himself carried by the eddy, as it were, first to the Vice-presidency, and then to the White House. But whatever the motives and causes for this practical contradiction to his own advice to Congress, it is certain, that first of all, his adherents in the legislature of Pennsylvania expressed their desire to see him continue in office for another term, and then at a caucus of his friends in the New York legislature, on the 13th of February, (that is to say, before the close of the first, session of Congress, during his Administration!) it was resolved that he ought to be nominated again. And this year, 1831, he consented to stand. Calhoun's friends, we learn without astonishment, saw now that their cause was lost; how much this may have had to do with the outburst of *Nullification*, and its summary suppression, our readers will be able to judge, when we shall have related the facts of this episode in American History.

Matters were in this fortune, when on the 20th of April the whole country was electrified by the intelligence that the Ministry had resigned. What could have occasioned this unexampled step? Were the intrigues and manœuvres of European courts and constitutions to be introduced into America? Mr. Calhoun's pamphlet could not have possessed divulsive force



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sufficient to account for this movement, — for he was only Vice-president; only an aspirant, not a candidate, for the actual enjoyment of the power of the Executive; and he was identified with “Nullification,” which found favour with no more than a moiety of the South, was dreaded and detested every where else, and had so little pith and substance that the *words* of the Senator from Massachusetts had rendered its realization for ever impossible. All was mystery, curiosity, and conjecture. Even the publication of the letters of resignation from the members of the Cabinet failed to throw any light upon the subject; indeed it rather added to the universal perplexity, by disclosing the existence of fresh mysteries: except the fact that the President, having accepted the demission of the Secretaries of War and State, requested those of the Treasury and the Navy to follow their example, the public learned nothing from these documents. Nay, the intimation contained in the President’s own statement, of his reason for preferring so unexpected and unusual a request,—that he had come to the conclusion that he must completely reconstruct his Cabinet, because “it *had* come together in great harmony, and as a unit,”—this only stimulated further inquiry and hypothesis.

Month after month this excitement lasted; new Secretaries of State and the Navy had been appointed, Edward Livingston (whom we have known in various connexions, earlier in our story,) to the former office, Levi Woodbury to the latter; when in the middle of June, the Attorney-general, who had been absent from the seat of government during the former part of the recess, returned to Washington and sent in his resignation. The mystery was explained and the universal inquisitiveness gratified now, for this ex-functionary informed the astonished nation, that the harmony of the Cabinet had been disturbed and destroyed by the determination of the President to compel the families of the members he had “dismissed,” to associate with the wife of the Secretary of War. *Nascitur ridiculus mus!*

“By his statement it appeared, that these ladies had, in accordance with the general understanding of the female part of society at Washington, declined to visit the family of the Secretary of War, and that this neglect being resented by that gentleman, had produced a coolness between him and the heads of those families. As the President warmly espoused the feelings of the Secretary of War, as of an old and confidential friend, it was rumoured early in the year that their removal would be a consequence of this resentment.” In fact, it was avouched by this witness, that the President had warned him and those who shared his opinions, that “unless they would consent to at least a formal intercourse between their families and that of the Secretary of War” they would be removed from their offices; that they all refused compliance with this “request;” and, “other friends” interfering, Jackson was induced to abstain from fulfilling his threat. The only reply which the friends of the chief magistrate could make to this last charge was, the allegation of Richard M. Johnson, who had been the medium of the “warning,” that “he was in no shape authorized by the President,” but

was "actuated solely by a desire to prevent a dissolution of the Cabinet." Which statement was supported by "an authorized publication on the part of the President."

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As we might expect, however, from the common experience of men in such matters, no one believed these disavowals; and whilst all were persuaded that a mere domestic broil had caused the disruption of the Cabinet, the most were quite satisfied that it should be broken up by any means capable of producing that effect. In addition to the two appointments before mentioned, Louis M'Lane was now made Secretary of the Treasury; Lewis Cass, Secretary of War; and Roger B. Taney, Attorney-general. The Postmaster-General was not dismissed, on the ground that he had to answer some charges of corruption brought against him in the Senate, and it would seem to be an evasion of the ends of justice had he been displaced before those charges were either withdrawn, or investigated, or explained.

These, however, were not all the political movements of this critical period. The victory of Jackson's party had, indeed, been so signal, and the steps taken by their chief to consolidate the advantages he had acquired had been so effectual, that a *party* in Opposition, during the first two years of his Administration, cannot be said to have existed. But the elements of a powerful party were there; and as it gradually became evident to those who had been leaders, but now found themselves superseded by lesser men, that the "platform" of the President's Democracy was a patchwork of dogmas from all political creeds, and that no article of it, except perhaps Jackson's faith in himself, was permanent, they began to take heart again. The disruption of the Cabinet largely promoted their designs; and there soon was seen a declared Opposition, not without the commencements of organization, assuming an attitude of hostility, not only in general to the measures of the government, (for it would scarcely be said to have a policy,) but especially also to the re-election of Jackson.

At the head of this party, which had sprung into existence in a manner strongly resembling the genesis of Jackson's own party, stood Henry Clay; and the name taken by it in the States where it was strongest was "National Republican," a name by far too long to endure. No time was lost by the active members of this new Opposition; but having secured the nomination of their chief as candidate for the Presidency by some of the State legislatures, they advised the holding of a national convention at Baltimore, in the coming December.

Of the Anti-Masonic party we need not speak here; its origin we have at length declared, and although it used the phrases and gestures of a national party, it was almost wholly confined to a narrow district, and was scanty in strength compared with the real parties. In another chapter we may notice it again.

On December the 5th, 1831, the twenty-second Congress assembled for its first session. Andrew Stevenson was once more elected speaker, the only other candidate who received many votes being Joel B. Sutherland, of Pennsylvania. And next day the Message was read in the Houses.

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The greater part of this document referred exclusively to foreign affairs ; and the relations of the Administration to the Indian tribes was fully discussed. "It is confidently believed," said the President, "that perseverance for a few years in the present policy of the Government, will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws." The advancement of this hapless race in "the habits and enjoyment of civilized life,"—as if any race, without mixing to a large extent with one or more other races, ever had or ever could advance from primeval barbarism, one step on the road to civilization,—was also foretold.

The amount of the revenue was anticipated as not less than twenty-seven millions and three quarters of dollars ; whilst the total expenditure was no more than fourteen millions and three quarters. More than sixteen millions and a half of dollars had been applied to the reduction of the Public Debt, and the payment of interest upon it. So that in the three years that Jackson had been at the head of affairs, above forty millions would have been applied to this object ; a most just cause for gratulation.

Few recommendations were offered to Congress ; but amongst them we find renewed those for "a modification of the Tariff," "justice to the interests of the merchant" being observed, as well as to those of "the manufacturer ;"—"a more liberal policy towards unfortunate debtors to the Government ;"—the Amendment of the Constitution in the article regulating the mode of electing the President and Vice-president ;—and the extinction of the Bank of the United States. New ones were presented respecting the complications of the system of keeping the public accounts ; the re-organization of the District of Columbia ; and correction of anomalies in the distribution of the Circuit Courts.

When we stated the results of the Census, we also showed the effect of the adjustment of the Representations to them. This was accomplished during the session now commenced ; and the debate, by which the ratio of apportionment was determined, was both long and curious. There were two objects to be kept in view ; the selection of a number which should leave the smallest amount of unrepresented fractions, and at the same time should not give to any one State, or group of States, undue advantages in the number of Representatives. Forty-eight thousand was the ratio suggested by the Committee, through James K. Polk, its reporter ; and the numbers determined after the former Censuses, had been thirty thousand for that of 1790, thirty-three thousand for that of 1800, thirty-five thousand for 1810, and forty thousand for 1820. After a host of conflicting propositions by way of amendment, the numbers suggested varying from sixty thousand to forty-four ; and several motions having had the hard fate of being carried one day, and rescinded the next ; forty-seven thousand seven hundred was finally settled ; and the Senate commenced its discussion of the subject.

There, Webster taking the lead, the scheme for determining the question was exactly reversed. Instead of fixing the minimum number of inhabitants



to return each Representative, and leaving the total of the House to follow, the Senate began by fixing the total of the House, (which they set at two hundred and fifty-one,) and left the ratio of apportionment to follow from that. The House refused to accept the amended bill, and took its stand upon the terms of the Constitution, which undoubtedly did most plainly point to their plan, although the amendment of the Senate would not have been *opposed* to them either in letter or spirit. Such primary legislation, by one branch of the Legislature, respecting an essential condition of the other branch, was however too great a stretch of forms and provisions; and however wise and good the measure in itself might be, as a precedent it was fraught with danger. So the Representatives maintained their ground, and, the Senate giving way, the original proposition became law.

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In the Senate, the unhappy results of the discussions in the Democratic party showed themselves by the resolute and successful opposition to the appointment of Van Buren as Ambassador to London. How entirely unlooked for this hostility was, appears from the fact that the ex-Secretary of State had proceeded to England, and had commenced negotiations upon the matters under discussion with the court of St. James'; and that he had to return precipitately, not without chagrin, when the result of the vote in the Senate was declared. When the other nominations made during the recess received the confirmation of this branch of the Legislature, the casting vote of the Vice-president ordered Van Buren's nomination to be laid upon the table: and when, near the end of January, 1832, the appointment was brought formally before the Senate, the confirmation was opposed by the adherents of Calhoun, on the ground that Van Buren had been the means of breaking up the former Cabinet, and that the part he had taken in domestic politics was objectionable; and by the other Senators who belonged to the Opposition, because in his dealings with Great Britain, he had showed much greater eagerness to serve his party than to maintain the honour of the country, and that, as if the United States were a dependent or subordinate of Great Britain, he had endeavoured to persuade the British government, that it was for its advantage that his party should be supreme in America. The strength of the Opposition was greater than could have been imagined, for the vote at the end of the debate was even, the question being decided against the Administration by the casting vote of Calhoun.

Calhoun's victory was purchased at the cost of a most mortifying and twofold defeat. For Jackson avowed himself the author of the instructions on which the charge of truckling to British interests, and putting party in the place of country, had been founded; and the discomfited envoy was brought forward as the candidate, in the interest of the Administration party, for the Vice-presidency in opposition to Calhoun. And as the Senate had confirmed the nomination of the politician, to whom when ambassador in England Van Buren had addressed the instructions complained of,—for he was no other than M'Lane, the new Secretary of the Treasury,—and by whom they had actually been executed; it was manifest to the nation that these reasons were

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but pretexts, which could not hide the personal motives that had determined the recall of the former Secretary of State. Yet this plain want of principle in the policy of the Opposition did not, in the end, so greatly contribute to its failure as their want of harmony, by which their numerical preponderancy was rendered futile.

Reform having been attempted by the Administration in the very remarkable way we have seen, the inquiry arose, and soon took a practical shape, whether this method of reform did not itself need reforming, and whether it did not involve evils of a more serious nature than those which it proposed to rid the country of. But Jackson had the strength of the House on his side; and the only question entertained was a complaint against a collector of duties on imports, who dismissed a deputy inspector from office, because he objected to being mulcted a quarter of his fees, for the purpose, as was understood, of defraying the electioneering expenses of the Administration party. The Opposition found opportunities, during this debate, to level all their heavy ordnance at the President and his followers, and to accuse the Reform party of every species of chicanery and corruption in the creation, bestowal, and employment of the public offices; but the offender, whose name was before the House, was referred to the Secretary of the Treasury, who would (no doubt) administer due correction to one who did his work "not wisely, but too well."

The chief interest of this debate, however, arises from a double breach of the peace occasioned by an illustration employed by one of the speakers. Stanberry of Ohio, who felt keenly on the general subject of the political partisanship of the Administration, opposed the remission of the delinquent collector to the head of the department, on the ground that the Government would not punish such criminals. "Was the late Secretary of War removed in consequence of his attempt fraudulently to give to Governor Houston [Samuel Houston, now ex-governor of Tennessee, whom we shall meet with again, in more desirable company.] the contract for Indian rations?" There being no answer which a patriot could have desired forthcoming, Houston, being at Washington, thought right to call Stanberry to account for this introduction of his name; and, when the Speaker disputed his right to do so, to beat him so severely with a bludgeon, that the worthy Representative could not resume his seat in the House for several days. In spite of the resistance of some Members, the Tennessean was brought before the House in the custody of the serjeant-at-arms. He admitted the assault, but pleaded excitement of feeling; and it was with some difficulty that a motion for a public reprimand by the Speaker passed;—Henry Clay himself, looking to the President's chair instead of the respect due to the Legislature, and the infinite moment of maintaining freedom of speech there, suffered his ambition so far to over-ride his reverence for law, that he moved that Houston should be dismissed without so much as a word in rebuke.

Another Member, Arnold of Tennessee, on the like pretence, was attacked with bludgeon and pistol by a ruffian named Heard, who called himself a

friend of Houston; but having a nervous arm he felled his assailant, and would have chastised him most summarily, had he not been hindered. There was also a challenge sent to another Member. The civil courts, having the matter brought before them, fined Houston five thousand dollars, but Heard was declared insane.

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Having been attacked in the President's three Messages opening Congress, the Bank now thought it would be both prudent and right to memorialize Congress for the renewal of its charter; and the great Bank Controversy began. It is not without a feeling akin to awe that we find ourselves on the verge of this the "Dismal Swamp" of American commercial and political history. Foreboding presages of this impediment to the course of our story, as far back as the days of Jefferson, have met us. A very "Slough of Despond," it lies now full in front of us, and even though none of our readers should have the courage under our guidance to attempt the passage, *we* must cross it. Some consolation and encouragement may be found, by those who wish to know something of this part of their country's progress, in the fact that railway engineering has proved competent to make the "Dismal Swamp" itself passable; and of the "steps," by which that other else bottomless quagmire was crossed, we all have read in our childhood; and in like wise, with courage, patience, and due humility, may the essay to get through the great Bank Controversy be successful. *In magnis*, says the school-boy's copy-slip, *sat est audere*; we confess and invite to such daring in this undertaking, and trust that it will be found, for every member of our "expedition," sufficient.

In spite of the objections of the friends of the President, who regarded the movement of the Bank as "too early," though it was not made until the President had, at the commencement of these sessions, moved Congress to attend to the subject; the memorial was presented in the Senate by Dallas, and in the House by M'Duffie. In the former body, a select committee, to whom the matter was referred, reported the adviseableness of renewing the charter for fifteen years, on condition of a few modifications in the fundamental laws, by which every objection to the Bank, which had even a show of reason, would have been obviated. And a bill was brought in, conformable with the report; but in order to secure the harmonious action of the Legislature, it was not pushed through, because the committee of inquiry appointed by the House had not yet reported.

Amongst the Representatives, the first skirmish was on the question whether the memorial should be referred to a select committee, or to the standing committee of ways and means; and the friends of the Bank carried the latter proposition. This committee reported in favour of the renewal of the charter; but the minority presented a counter-report; and the battle was soon joined along the whole line. The first movement was on the part of the opponents of the Bank, who, under the conduct of Clayton of Georgia, demanded a committee of inquiry into the affairs of the Bank, alleging that there were abuses in the management that would demonstrate the necessity of not renewing the



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charter ; and he enumerated (from a slip of paper in Benton's hand-writing) seven, beside fifteen others "not amounting to forfeiture," yet deserving exposure, and showing the inexpediency of acceding to the memorial. To this formidable list of charges M'Duffie replied ; and after some days' discussion, and several conflicting amendments, the committee was appointed, but was directed, by a motion of John Quincy Adams, merely to inquire and report whether the provisions of the existing Bank Charter had or had not been violated.

Notwithstanding this restriction, however, the majority of the committee being hostile to the Bank, the whole affairs of the establishment were examined, and a report was presented recommending the postponement of the consideration of the renewal of the charter, till the Public Debt was paid, and the revenue adjusted to the expenditure of the government. The minority also reported (John Quincy Adams sending in a report in his own name alone) in vindication of the management of the Bank, and recommending the renewal of the charter.

The conflict was now removed to the Senate, where, in committee of the whole, various amendments to the bill before them were proposed by the friends and by the opponents of the Bank. But after a hot debate of three weeks, the bill, without many alterations, passed, by a majority of twenty-eight against twenty. But we must allow Senator Benton, who did not succeed in getting a single one of his four proposed amendments accepted,—we must allow him, as one of the most uncompromising adversaries of the Bank, to speak.

He tells us that as soon as Jackson delivered his first Message, and pronounced against the Bank, there began "a ceaseless and pervading activity in behalf of the Bank in all parts of the Union, and in all forms," "all conducted in a way to operate most strongly upon the public mind, and to conclude the question in the forum of the people, before it could be brought forward in the national Legislature." This seems to astonish the Missourian Senator, or rather to grieve him, because "at the same time but little was done, or could be done, on the other side." He does not understand the propriety of a trading corporation attempting to prevent itself from being overthrown, when the attack comes from his party, and is based upon grounds wholly removed from those of public and commercial convenience. Neither does he rejoice, as he ought "on the *demos krates* principle," to see the managers and supporters of the Bank refer the question raised by his party to the real sovereign—the nation. "The forum of the people," on that same favourite "*demos krates* principle" of his, ought to be regarded as the ultimate judicial tribunal of the country.

If Benton's story of the "ceaseless and pervading activity" of the Bank be correct, instead of blaming the Bank he ought to have blamed the faulty generalship of the President, who disclosed his designs to the enemy, and put him on the alert, when "but little could be done" to follow up the declaration of war with active hostilities. Perhaps he saw this, but refrained

from criticising the strategy of his chief; for he tells us how he attempted to repair the error which had put the Administration into such a position, in front of such a foe. "In the session of 1830-1, I succeeded in creating the first opportunity of delivering a speech against it; it was done a little irregularly, &c. My mind was fixed upon the character of the speech which I should make,—one which should avoid the beaten tracks of objection, avoid all settled points, avoid the problem of unconstitutionality, and take up the institution in a practical sense, *as having too much power over the people and the government*,—over business and politics,—and too much disposed to exercise that power to the prejudice of the freedom and equality which should prevail in a republic, to be allowed to exist in our country. But I knew it was not sufficient to pull down; we must build up also." So, to give weight and support to such views as we have emphasized by Italics, he insisted that "gold and silver was the best currency for a republic;" and proposed "a hard money party, against a paper party." Strangest phenomenon of all, "I quoted copiously from *British* speakers," says Benton; which may account for his failing to provoke any debate in the Senate, although he was gratified by a small and barren vote in favour of his statements.

Benton makes much account of this Bank question; he says it was the key of Jackson's position, "the salient point" of Jackson's first Message, which was "going back to the Constitution," and "re-established the landmarks of party, as parties were when founded on principle." But notwithstanding all that he says on the interminable subject of a metallic *versus* a paper currency, and "the latitudinarian construction" of the Constitution, which "authorized" the Bank charter; the real objection to it on his part and that of his party ever and anon peeps out;—"Experience had shown such an institution to be a *political machine, adverse to free government*, mingling in the elections and legislation of the country, corrupting the press, and exerting its influence in the only way known to moneyed power—by corruption." If the *facts* of Jackson's "Reform" have not been misrepresented by his own party, the only real objection which he could have to this, was its being done by the Bank. But, in truth, this morbid horror of a commercial corporation; which could not be made a tool for personal and party purposes, having force, aims, and means of its own, lowers quite infinitely our estimate of the statesmanship of the Jackson party; in spite of all that, in their political creed, differences them favourably from the schools of Clay and Calhoun.

In his "Thirty Years' View" Benton appears as the organizer of the campaign, the general in actual command, and the hero of every fight, against this terrible Bank; and perhaps it may be in part owing to his uncompromising hostility, that Jackson enjoys the unenviable notoriety that he does in relation to this institution. For from an authentic source we learn, that in the new Cabinet Taney alone was an opponent to the renewal of the charter; Livingston, who enjoyed Jackson's entire confidence, and had as much influence with him as any one could boast, and M'Lane, being heartily in

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favour of it;—the latter having reported, at the commencement of this very session, thus—“the present good management of the Bank, the accommodation it has given. Government, and the practical benefits it has rendered the community, give it strong claims upon the consideration of Congress.” Van Buren had been as much against the Bank as the President himself; so that the triumph of Calhoun’s friends in his recall was singularly suicidal: in England he would have been inoperative against the Bank, at least; but at home, in or out of the Cabinet, Secretary of State or Vice-president, he could be, and he was, a most effective antagonist.

Benton lays great stress upon the circumstance, that the memorial for the renewal of the Charter was presented so long before its expiration; and founds upon it a charge against the Bank of attacking the President. The reiterated recommendations against the Bank in the President’s Messages, he maintains, were not attacks on it; and although it was patent, and indeed confessed, that the real root of his opposition to the Bank was its independent influence and patronage,—all which he thought would be in the hands of the Executive, if that scheme of a government, instead of a national, Bank could be established,—in spite of this, and the cognate facts that (in general) the supporters, shareholders, managers, customers, and general connexions of the United States’ Bank were *not* amongst his followers, whilst those of the State Banks were; and that the gratification of the latter at the expense of the former was a good electioneering manœuvre, whether for himself as President again, or for any “successor” whom he might nominate and approve,—notwithstanding this, our fearless Senator accuses the Bank of being the aggressor, nay, sole intriguer, in this instance.

Others, however, beside Benton, and for sounder reasons, considered the movement premature. The fact was, that the President was not actually so uncompliant as he professed to be, or as his admirers averred. He knew when he must yield; and he not unfrequently yielded without knowing it. And Livingston and M’Lane were of opinion, that had longer time been allowed them to set matters in the light they could put them in before him, Jackson would have been honoured as the second founder of the National Bank, instead of bearing in history the stigma of having destroyed it.

Here we may observe, that for many of the objections urged against the Bank there was a basis of *fact*; although the superstructure of objection was *not true*. Thus, it is unquestionable that the Bank did act politically against the President; menaced as its managers felt themselves and their interests to be by the commercial principles proposed by Jackson during his canvas, they could not do other than by all means at hand, not actually illegal, (and had they used such, the “objection,” we imagine, would have been urged in another court, and in another fashion,) resist his accession to power; and it would have been far from creditable to American liberty, had it been unable to defend itself by legitimate means, when its opponents were not very scrupulous (as we have seen) respecting the means they employed to strengthen their position. So, too, the complaint of the large amount of stock held by



foreigners was ridiculously inconsistent with the profession of free-trade. The charge of violating the charter, founded on the issue of a species of bills of exchange, drawn on the head office, which were taken and circulated in the remote States, almost in the manner of promissory notes payable on the spot, proceeded upon a total, and seemingly designed, oblivion of the facts, that where no actual fraud is committed, the right and wrong of banking and all commercial business are determined by judgments in the Courts in explanation of Statute Law; and that this issue was not forbidden in the charter, was not contrary to any legal decision, and was not fraudulent, for the bills bore upon the face of them and in their mode of circulation palpable marks of distinction from notes. The vicious political-economy of the objections does not need at the present day to be pointed out specifically; but that feature in them may be noticed in passing.

And yet Nicholas Biddle, President of the United States' Bank, highly honourable and respectable, was only a man; and, as Ingersoll says,—“He too was ambitious, not avaricious; not insensible to flattery, but not infatuated; fond of mysterious ways, but not a mere intriguer.” “Not a few flattered Mr. Biddle's ambition by assurances that the Bank was his way to political honours,—to the Presidency of the United States, which was continually held up to his contemplation. And who is proof against adulation? which misled Biddle and Jackson, as it did Napoleon and Alexander, by republican flattery more captivating than regal, as it is addressed without impediment or interposition directly and personally to its object.” At the commencement of the session, “nothing like personal enmity had occurred between Mr. Biddle and General Jackson,” and the Bank President had been nominated again as one of the government directors by the Executive. He was voted President of the Bank by every one of the other government directors; and so he united in his person all the authority and influence of the Bank, and the basis of it was the support of the Administration itself. “The Bank's flourishing rental of three millions and a half a year, was put at his irresponsible and clandestine disposal. Twenty-five directors were melted into one gigantic corporation sole, in his person, with the revenue of a principality, and more than the power of a monarch, to distribute as he pleased.”

And it does seem more than probable, that the means of the Bank were employed, at least at this crisis, in “making to itself friends of the Mammon of unrighteousness,” and that too in Congress;—though what just ground the President and his party had for complaint on this account, after all we have heard and seen, we cannot conceive. What is disclosed hereby concerning the character of the Legislators speaks for itself, and that pretty loudly, when heard in connexion with those charges of “corruption,” so commonly interchanged amongst the Members of Congress, and of the Administration likewise, upon all high occasions. “The most conspicuous, and a majority, of the Senators attended his drawing-room, [at Gadsby's Hotel, in Pennsylvania Avenue, Washington, for Biddle had come to the seat of war in person,] partook of his entertainments, as some of them had of his bounties,

CHAP. I. counsell'd with him, caucused in his apartments, and did his bidding."  
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 to 1837. "In the profit and loss account, what were one hundred thousand dollars a year spent from three and a half millions? A scarcely perceptible sum to lend, or give by discounts, fees, or other largesses, to those who make and interpret laws in legislatures and courts, create and annul public sentiment in print." The remarkable increase of debts to the Bank during the first three years of Jackson's Administration, and a fact mentioned by Ingersoll, (in contrast with a statement put forth in a report by the Senate committee on finance two years later, "that there were never more than fifty-nine, nor less than forty-four, debtor members of Congress to the Bank, whose loans, bills, and discounts never exceeded two hundred and thirty-eight thousand dollars;") that "not long before the Bank made an insolvent assignment of its effects, the debts of *one* Senator to it, for drafts, discounts, and other advances, amounting to *one hundred and eleven thousand dollars*, were compromised for a conveyance of wild lands in the West, of no realizable value; leaving unsettled and outstanding another debt of twenty-eight thousand dollars;"—this fact imparts an ugly significance to his hints.

"The boasted exchanges, large circulation," continues Ingersoll, from whom we cull passages here and there,—not, however, falsifying his meaning, for his style is singularly tortuous and self-involved, and is improved by straightening,—“profitable dividends, great accommodation to government, Mr. Biddle’s pleasing manners, and avowed discountenance of party preferences, all recommended the institution. But he would not, *probably could not*, [this is the secret truth,] stop there. He had been threatened with opposition from the party, then his chief reliance, unless he went on. [And, we may add, he was subject to the universal conditions of commercial existence,—for we say not, prosperity.] Another Bank of the United States might be chartered, instead of that of Philadelphia, and he was assured there was no danger of the threatened Veto. It might be threatened, but never would be put in force. Jackson would not dare that extremity. If he did, the consequence would be his inevitable defeat at the polls. Veto or no Veto, therefore, the Bank course must be onward. Mr. Biddle’s presence at Washington might have offended one less umbrageous [so Ingersoll writes, *more suo*] than Jackson; and looked like an attempt to carry the Bank in spite of the President, whose intimates had mentioned the Veto, and presses had promised it. Beyond doubt the bill from the Senate would pass the House of Representatives; so that every thing depended on the conduct of two individuals, Nicholas Biddle to withhold, or Andrew Jackson to reject, the bill; and neither hesitated.”

So, for we must return to our own story, the bill was sent to the House, and M<sup>r</sup> Duffie proposed an amendment, to the effect that the provision limiting the number of branches in the several States, should not interfere with existing branches; and others proposed other amendments, and a short but sharp contest ensued, ending in the adoption of M<sup>r</sup> Duffie’s amendment, with which the Senate also concurred, and the rejection of all the others.

and the bill finally passed by a majority of a hundred and seven against eighty-five. "All the Pennsylvania Members present in both Houses," says Ingersoll pithily, and with an evident faith in the old pagan Nemesis, "voted for the Bank, except one, *who hanged himself afterwards*." This was on July the 3rd; for the session had been unusually protracted; but Congress arranged its adjournment so as to leave ten clear days after the bill was put into the hands of the President, lest it should be retained till the next session, as other bills had been.

Jackson, however, needed not the Constitutional time for considering the matter. As soon as a Message could be drawn up, the bill was returned:—*Veto!* Substantially the reasons assigned for this refusal to approve the bill were ten; and, arranging them according to their importance, they were—the unconstitutionality of the Bank, the bill being framed without consulting the President, the large proportion of its stock held by foreigners, their stock not being taxed, the greater power of the native stockholders in consequence of the number of foreigners, the exemption of the private business of the Bank from taxation, the increase of the power of the rich and of the artificial distinctions in society, the provision enabling State banks to pay their balances in branch notes, the small bonus to be paid for the monopoly,—three millions only, and that payable in fifteen annual instalments,—and the strong suspicions of gross abuse in the management of its affairs. And thus it wound up.

"I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions, there is cause for neither dismay nor alarm. [This mention of difficulties and dangers must not be understood literally. There was nothing (except "Nullification," and that was only the pushing of the Democratic view of one of "our institutions" to excess) that the President ought not to attribute to himself; for till he raised a personal opposition to John Quincy Adams, the nation was in such profound domestic peace that the very name of party seemed to have been forgotten. The real motive of these allusions it is not hard to discern; for the election was fast drawing near, and both parties kept that in mind most assiduously.] For relief and deliverance let us firmly rely on that kind Providence which, I am sure, watches with peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness, and *their* patriotic devotion, our liberty and union will be preserved." This appeal to the country we have thought right to insert, as it shows, if not the real feeling of the people at large, at least what Jackson understood it to be.

The National Republican Opposition in the Senate received this Message as a *manifesto*, and hastened to respond, by proclaiming the necessity for "a change in the national councils." Webster was the chief speaker on this side. Clay also spoke, declaiming against the power of the Veto; and Ben-



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ton, replying to him, contrived, according to his own report of the debate, to raise one of those shameful personal altercations in which murderous threats play so prominent a part, and did not succeed in rebutting the charge of having once stated, that if Jackson should be chosen President, the Legislators would need to meet with pistols and dirks in their belts. Only twenty-two voted in favour of the negatived bill, and there were nineteen against it; wherefore, not being supported by two-thirds of the Senate, it was lost. And thus ends the first act of this long and exciting tragi-comedy. The subsequent parts we must endeavour to compress; this opening portion could not but be given at greater length, for the right understanding of the whole.

Amongst the other important matters discussed during this session, we find the Public Lands brought forward by the Administration Members of the Senate; and the committee on manufactures, (which, as Benton observes, "properly could have nothing to do with the sale and disposition of the lands,") of which Clay was chairman, was directed to ascertain if the price could not be reduced with benefit to the revenue, and if these lands could advantageously be transferred to the States in which they lay. To both suggestions the report gave a distinct negative, and affirmed the wisdom of the course heretofore pursued; yet, seeing that the ordinary revenue was sufficient for all the purposes of the government, it proposed to reserve ten *per cent.* from the proceeds of the sales, (in addition to the five *per cent.* already appropriated to this object,) for effecting improvements within the limits of the States in which the sales occurred. And it proposed to distribute the remainder of the proceeds amongst all the States, according to the ratio of representation, to be applied by the State governments to colonization, education, internal improvement, or the payment of debt incurred by such means. A bill embodying these propositions accompanied the report; and by it their operation was limited to five years, and in the event of a war they were to cease forthwith; and, after being referred to the committee on Public Lands, (which presented a counter-report,) and much debated, it was accepted by the Senate, but could not be got through the House, because of the arrival of the adjournment.

Internal improvements were once more warmly agitated, and several large appropriations with this object were sanctioned by the President, Clay suggesting that "Constitutional" must mean "for the benefit of a favourite State," and "local," "for the benefit of one not so cherished;" and Miller of South Carolina hoping never to hear any further reference to the Maysville Road Veto,— "the Senate and House of Representatives," said he, "*and the President*, all concur in this power." But, as if to show that he was still master of the situation, Jackson kept back the Harbour Bill, so that it could not become law till the following session, and might be rejected even then.

By the same "pocket Veto," as the wags of the Opposition called it, a bill providing for the repayment of interest paid (*bonâ fide*) by the States severally, for monies borrowed by them on account of the Federal govern-

ment and expended in the service of the United States, which passed both Houses, was indirectly negatived.

The Tariff also came under the attention of Congress, being distinctly recommended by the President, and the progress of the anti-tariff feeling in the South requiring it. The subject was taken up by the two committees of the House on ways and means, and on manufactures; and reports and bills were presented by both. That from the first committee, of which M'Duffie was chairman, (although it originated with the Secretary of the Treasury, and so was a government measure,) was soon negatived; that of the other, of which John Quincy Adams was chairman and reporter, after some discussion, and a few amendments, was carried by an overwhelming majority,—some of the opponents of protection even voting for it. The principle of protection was maintained by this bill, but the duties on many protected articles of domestic manufacture were considerably reduced, and it was received as a concession to the Free-trade party, and with the hope (a most delusive one) that it would allay the excitement in South Carolina.

In the subsequent chapters of this Book we shall notice the other measures of this session, which was the longest in duration since the Constitution was adopted, though not the most fruitful in measures. It terminated on the 14th of July, 1832. And the attention of the country was given wholly to the Presidential election, and "Nullification," the Cholera, and the Bank.

Of "Nullification" and the Bank we can better speak in other places; the other subjects must be noted here. This first visitation of the cholera caused great alarm, and was exceedingly destructive. So little was then known of its real nature, that there can be no doubt respecting the aggravation of its consequences by the means taken in many cases for its prevention or its cure. It was thought to be *infectious*, and thus the only effectual prophylactives,—the cleaning and draining of streets and houses, the plentiful supply of pure water, and avoidance of relaxing diet and excess, were not applied. The State of New York first showed the presence of this terrible scourge, about the end of June, 1832; and in a few days there was no doubt entertained respecting its action in Albany and the city of New York. From the 20th to the 25th of July, the deaths by cholera exceeded a hundred a day in the latter place; and from that *maximum* they gradually declined, until the beginning of November, when it was no longer specified amongst the causes of death in the weekly report; the whole number of deaths attributed to it there being three thousand four hundred and ninety-seven. But it was in New Orleans that it reaped its fullest harvest; sixteen hundred and sixty-eight deaths occurred there between the 28th of October and the 11th of November; and on the 1st of November alone one hundred and seventy persons died. This excessive mortality arose from the circumstance of the yellow fever showing itself at the same time; but happily the ravages of these two diseases were speedily checked by the occurrence of cooler weather at an unusually early period. The most deplorable aspect of this pestilential visitation was, that neither the general nor the State governments took any precautionary mea-

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sures ; or offered either counsels or cautions to the people. The unsettled problem of the limits of the two jurisdictions, or an undue reliance upon the ocean-barrier between the two hemispheres, prevented any thing from being done till the disease was at the door, and then the citizens did all that was done themselves.

The candidates for the two Executive offices were numerous. General Jackson was universally accepted as the Presidential candidate of the new Democratic party, Van Buren being nominated with him for Vice-president. The National Republican convention at Baltimore in the preceding December, after a vain attempt to effect a coalition with the Anti-masonic party, had nominated Henry Clay and John Sergeant for President and Vice-president. The Anti-masonic party, in their convention three months earlier, selected William Wirt and Amos Ellmaker, as their candidates. There were other candidates also nominated by less considerable numbers. The result will show almost all the secret manœuvring that attended the contest ; and it may be given here, although not officially declared till after the commencement of the next session of Congress.

For Andrew Jackson all the votes of Maine, New Hampshire, New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Ohio, Indiana, Illinois, and Missouri, with three from Maryland, in all, two hundred and nineteen votes, were given ; and he was thus elected President. Henry Clay received all the votes of Massachusetts, Rhode Island, Connecticut, Delaware, and Kentucky, with five from Maryland ; in all forty-nine votes. The legislative electors of South Carolina bestowed their eleven votes on John Floyd ; and Vermont its seven upon William Wirt. The popular votes for Jackson amounted to seven hundred and seven thousand two hundred and seventeen ; those for Clay, to three hundred and twenty-eight thousand five hundred and sixty-one ; and those for Wirt, to two hundred and fifty-four thousand seven hundred and twenty. And by comparing this list with that immediately preceding, a clear case of necessity for some amendment of the Constitution in the mode of electing the Executive will be perceived.

Martin Van Buren was elected Vice-president by all the votes which Jackson received, except those of Pennsylvania ; in all, one hundred and eighty-nine votes ; or six hundred and three thousand five hundred and twelve popular votes. John Sergeant received the same votes as Henry Clay ; in all, forty-nine. The thirty votes of Pennsylvania were bestowed upon William Wilkins ; the eleven of South Carolina, on Henry Lee ; and the seven of Vermont, on Amos Ellmaker.

The writer of the historical chapters in the American Annual Register endeavours, but quite vainly, to lessen the overwhelming numerical triumph of this election. But he fails to point out a remedy for such triumphs ; nor, we may add, is there any remedy at all, unless some means could be devised for correcting the mode of election, and enabling large minorities to exercise such influence as the provision for making the choice devolve upon the



House of Representatives, in case of the failure of election in the first instance by a particular majority, was intended to secure to them. The mode of taking the choice, practically, out of the hands of both people and electors, by the device of conventions and party nominations, has operated injuriously in a two-fold manner; it has not broken the despotism of majorities, and it has secured the actual election for a self-appointed oligarchy. On this occasion, however, no one could doubt that Jackson and Van Buren were returned by a *bonâ fide* majority of the citizens of the United States; nor that they were the President and Vice-president whom that majority desired to see intrusted with the management of public affairs.

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Congress re-assembled on the 4th of December, 1832. It was the second and final session of the twenty-second Congress, and the time of its meeting was one of the most critical the United States had ever known; but the attendance on the day of opening was not so large as might have been anticipated; for only thirty Senators appeared out of forty-eight; and out of two hundred and sixteen members of the other House, only one hundred and sixty-five. In the Senate there was a skirmish (for the occasion forbade its assuming the dignity of a combat) on the choice of a president *pro tempore*, and Hugh L. White of Tennessee was elected on the fifth ballot. On the next day, as usual, the President's Message was received and read.

Postponing, as we always do, the consideration of the part devoted to foreign affairs, we find a most encouraging statement of the condition of the national finances. Although the receipts from the sale of public lands had "proved less productive than was anticipated," (which does not surprise us, since Benton and others had so strongly advocated their being given away,) the revenue from the customs had more than made up the deficiency, for it was estimated at twenty-eight millions of dollars. Eighteen millions had been applied to the payment of the interest and the discharge of the principal of the public debt, whereof with justifiable pride the Message stated that "the payment of all which was then redeemable was provided for;" and about sixteen millions had defrayed the other expenses of government. "A considerable falling off in the revenue from customs" was spoken of as likely in the next year, "in consequence of the reduced rates of duty which would then take effect;" yet hopes were held out of the entire extinction of the debt in the year 1833, by the purchase of it, before it was "of right redeemable," at the market price, by the commissioners of the Sinking Fund.

More important still, the President, with redoubled energy, pressed upon Congress the necessity for revising the Tariff; both for the purpose of adapting the revenue to the expenditure, and to limit the protection afforded by the imposts to the counteraction of the protective laws of other nations, (meaning Great Britain, first and chiefly,) and the securing of "a supply of those articles of manufacture essential to the national independence and safety in time of war." He insisted, that perpetual protection, secured by a tariff of high duties imposed for that object specially, had entered into the minds of but few American statesmen. "The most they have anticipated is a tempo-

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rary and generally incidental protection, which they maintain has the effect to reduce the price, by domestic competition, below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union."

The "advantages" of protection were always held, by the most enlightened political economists, to be extremely problematical; the disadvantages to be certain. We have some reason to doubt whether Jackson and his advisers proceeded upon a broad view of the question; the jealousy of the South respecting the superior prosperity of the North has continually shown itself, under decent generalities, of an almost scientific shape. Nevertheless, looking at them as practical men alone, and regarding them as engaged in the solution of a practical difficulty, we gladly acknowledge the preferable character of their notions on this subject to those of the advocates of "the American system."

While speaking of the Tariff, "Nullification" came under the President's notice; and he quietly but resolutely intimated his belief "that the laws themselves [meaning himself as the Executive thereof] were fully adequate to the suppression of such attempts as might immediately be made" to realize Jefferson's furthest stretch of the State-right theory, improved as it was by Calhoun. "Should the exigency arise," he continued, "rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it."

Against "Nullification" Jackson showed himself the same man he had been in "the Seminole war," at New Orleans, against John Quincy Adams and Clay; and against the Bank he was equally uncompromising. He now recommended that "provision should be made to dispose of all stocks then held [by the general government] in corporations, whether created by the general or State governments, and to place the proceeds in the Treasury." He also brought against the Bank the definitive charge of effecting "an arrangement with a portion of the holders of the three *per cent.* stock;" by which, said he, —and we must quote his *ipsissima verba*,—"a surrender of the certificates of this stock may [this word must be observed] be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debts, may [this word again] be continued by the failure of the Bank to perform its duties." And then, by one of those remarkable logic-leaps, which men who are not wise take, as well as men of rarest wisdom, though not precisely in the same direction, it was recommended that Congress should seriously investigate this question,—“whether the public deposits in that institution may be regarded as entirely safe.”

"He also recommends," says the Annual Register, summing up the concluding paragraphs, "a reduction of the price of the public lands, so as to

prevent their becoming a source of revenue, and an amendment of the Constitution, so as to limit and define the power of the general government over internal improvement. The policy of the government in relation to the Indians was applauded; and an extension of the judiciary system to the new Western States was again recommended."

In conclusion, Jackson introduced a statement of his theory of the Constitution; which may serve to remind us once more of the differences between a written frame of government, like this, and an unwritten one, like that of the mother-country. We do not undertake to compare them, nor to pronounce upon their respective advantages or defects; because, whatever the alleged superiority of the unwritten Constitution, *it cannot be extemporized*, devised, and brought into action within any assignable period of time, being a thing of gradual growth, and internal and not always regular development. And, on the other hand, let those who oppose and disparage the written Constitution of the United States urge what they will, the fact remains, that if those States were to have the benefit of a regularly constituted and recognised general government at all, in no other way could it be effected. And the failure of almost every other constitution, devised and established in a manner analogous to this, even after all the circumstances adverted to in our former remarks upon this aspect of the subject have been taken into the account, cannot be cited to the disadvantage of this example. But let us listen to the General.

"That this government may be so administered, as to preserve its efficiency in promoting and securing [certain] general objects [which he had just before mentioned], should be the only aim of our ambition; and we cannot, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves or have preferred to assign to other agents. We should bear constantly in mind the fact, that the considerations which induced the framers of the Constitution to withhold from the general government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience; and that it cannot now be doubted, that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected [We supposed that Jackson's reform had been accomplished; *what was it*, then, if not what we have seen? We must note vigilantly all intimations now.] in the present and future execution of the functions bestowed upon us by the Constitution.

"Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, [This is a singularly paradoxical description of the powers of a government, which (according to Jackson's party) is incompetent to legislate respecting Slavery.] this government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our



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citizens, aided by the State-sovereignties, will work out improvements and ameliorations, which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt." In less than a week from the reading of this Message, South Carolina had advanced so far in its resistance to the law of the United States, that Jackson issued his famous proclamation, denouncing (at prodigious length) the movement as mere treason, warning the people of the consequences, and calling on them to return to their loyalty to the Union. A fact which stands in singular contrast with the theoretical views propounded above.

We will commence our record of the proceedings of Congress in relation to "the Compromise Tariff." But we shall, in pursuance of the plan we have adopted, by which the affairs of the States severally are exhibited in greater detail than would otherwise be possible, omit the local history of "Nullification," except so far as may be requisite to make the Tariff bill and debates intelligible.

The House first applied itself to this subject, referring to the committee of ways and means the consideration of the President's suggestion concerning it. In the Senate a resolution was carried, calling upon the Secretary of the Treasury, who had in his annual report urged the reduction of duties to the revenue standard, for a draught of a bill embodying his views, or rather those of the Administration. On the 27th of December, the committee of ways and means reported, by G. C. Verplanck of New York; and a bill proposing a diminution of the duties on all protected articles, but leaving from 15 to 20 *per cent.* for protective purposes, and to take effect immediately, with a further reduction to follow, was laid before the House; and this seems to have been in effect the reply to the resolution of the Senate.

At the commencement of the new year, 1833, the discussion of this scheme was entered upon; but it had gone on only a week, when the President, on January the 16th, by a Message, communicated information respecting the ordinance and nullifying laws of South Carolina, and his own Proclamation thereupon, accompanied by his views of what Congress should do; and on the 21st of the month, a bill to enforce the collection of the revenue according to the law was reported by the Judiciary committee of the Senate: when John C. Calhoun, who had resigned the Vice-presidency of the United States on the 28th of December, reappeared as Senator for his State, "to ride the whirlwind and direct the storm" he had succeeded in raising. Thus there were two bills of primary importance on the same subject, but looking in precisely opposite directions, under discussion in the two Houses of Congress at the same time,—this Enforcing or Force bill in the Senate, to compel South Carolina to submit to the Tariff of 1828, and the new Tariff bill in the House of Representatives, to abolish that very Tariff which the Enforcing bill was to uphold. It was a position in which we can with very little difficulty imagine a Federalist Administration placed, in consequence of its exceedingly philosophical theories of democratic government; and such an Administra-

tion would then inevitably be overturned. Jackson, not weak like a political *doctrinaire*, and having on both questions a strong personal feeling against Calhoun on "Nullification," and against Clay on protection, like Radetsky at Novara, had thrown himself in between the two divisions of the enemy, and the manœuvre was in itself a victory.

The Enforcing bill, which had, with great judgment, been drawn in a general form, so as not to wear an invidiously hostile aspect towards the nullifying State, made slow progress in the Senate. But the Tariff bill in the House seemed like to perish in a perfect flood of amendments and debates. The excitement in the country was indescribable, for the State legislatures were almost all in session, and each felt bound to deliver itself upon the question of the day. As we shall see, New England called to mind the Hartford Convention, and what was said then; whilst the South was anxious to see the Tariff lowered to the revenue scale, anxious to see the supremacy of State-sovereignty demonstrated, yet anxious for the maintenance of the Union; for that section of the confederation has always felt the essential importance of its connexion with the other group of States, and has really never meant the dissolution of the Union, when it has most vehemently threatened to destroy it; it has only desired to secure its own predominance therein, and it has generally succeeded.

Calhoun, for the purpose (as he observed) of testing the principles of the "Force" bill, proposed a series of resolutions to the Senate, which were no more than expansions of the old Democratic view of the State-sovereignty principle, and yet they involved the whole principle of "Nullification." Starting from the definition of the Constitution, as a "compact" uniting "the people of the several States;" and of the Union, as "a Union between the States" which ratified "the constitutional compact;"—he proceeded to the assertions, that whilst "certain definite powers" were delegated to the general government, "to be executed jointly," each State reserved to itself "the residuary mass of powers to be exercised by its own separate government;" and that in the assumption by the general government of powers not delegated to it, its acts are "unauthorized, void, and of no effect," each State having (and here lay the principle of Nullification; and the opponents of the nullifiers held it as firmly as they themselves did) "an equal right to judge for itself, as well of the infraction as of the mode and measure of redress," all being "sovereign parties, without any common judge." Lastly, he distinctly denied the opposite allegations, that the Union was based on a social compact of the people, "taken collectively, as individuals," and "that they have not the right of judging, in the last resort, as to the extent of powers reserved, and, of consequence, of those delegated;" because the tendency of those opinions was to "subvert the sovereignty of the States, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

On the part of the Administration, as it was understood, Senator Grundy

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offered a series of counter-resolutions, merely asserting that the laying of duties on imports was "expressly granted by the constitution to the general government, and prohibited to the States;" and that "the attempt to annul an Act of Congress" laying such duties, or to obstruct its execution, was "not warranted by the Constitution, and dangerous to the political institutions of the country." And these, as Senator Clayton rightly showed, "tacitly yielded the whole doctrine of nullification;" wherefore he submitted an additional resolution, setting forth the real reply to Calhoun's statements. It was to this effect,—“That the people of these United States are, for the purposes enumerated in their Constitution, one people and a single nation;” “that while the Constitution does provide for the interest and safety of all the States, it does not secure all the rights of independent sovereignty to any;” “that the Supreme Court of the United States is the proper and only tribunal in the last resort for the decision of all cases in law and equity, arising under the Constitution, the laws of the United States, and treaties made under their authority;” and it declared that the Senate “would not fail in the faithful discharge of its most solemn duty to support the Executive in the just administration of the government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union.”

With the discussion of these conflicting resolutions in the Senate, and of amendments on the Tariff bill yet more contradictory, the short session was rapidly wearing away, and matters seemed likely to end in a dead-lock. For if the Tariff were not modified, South Carolina was lost; and if it were, the Protectionists of the North were alienated; and yet the Administration party in the House could not carry any measure better than “the bill of Abominations” of 1828. South Carolina also, notwithstanding the ordinance and the armament, the new oath of allegiance and every other overt act pointing to disruption, hesitated to *do* as it had so hotly and hastily *said*; and hinted by its attitude that some pacific solution of the difficulty might be found. Jackson, or his advisers, too, hesitated to carry out the menaces of the proclamation, and looked round for a persuasive that should be equally efficacious, though less violent, than force of arms, with the refractory State. Clay trembled for his “American system;” and for his chances at the next battle for the Presidency. Calhoun was not willing to consider himself finally shut out from that contest. The Enforcing bill must pass, but what of the new Tariff?

On February the 11th, Henry Clay rose and gave notice that he should ask leave of the Senate to introduce a bill to modify the Acts imposing duties on imports. Next day he did ask leave, and after a brisk discussion obtained it. This was the “Compromise Tariff” bill; it provided that at the end of the year then current, all *ad valorem* duties of more than 20 *per cent.* should be reduced one-tenth, and at the end of each alternate year afterwards till 1839, an equal reduction; and that at the end of 1841, and half a year after that term, the residue of the excess should be taken off in two



equal portions, leaving a maximum of 20 *per cent.* It also provided for the abolition of credit for duties, and the assessment of the value of imports at the ports of entry, or home valuation, after the 30th of June, 1842. Thus he thought that the protective Tariff would be preserved for a sufficient length of time, whilst the country would be tranquillized and good feeling restored.

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After a full discussion, in the course of which Calhoun expressed his approbation of the measure, it reached a third reading; and then the introducer stated that a bill of precisely the same character had passed the House, and would most probably be presented at once, for the approval of the Senate. In effect, the Administration measure was shelved, Robert P. Letcher of Kentucky moving its re-committal, with instructions to the committee to report Clay's bill in its place; which was done, and the changeling accepted by a majority of a hundred and nineteen against eighty-five. This was on the 26th of February; on the next day it was sent to the Senate, passed that body on the 1st of March, twenty-nine voting for it, and sixteen against; and on the following day (which this year was the last in the session,) became law by the approval of the President.

The Enforcing bill passed the Senate on the 20th of February; thirty-two voting for it, and only one, John Tyler, afterwards President, in opposition to it. On the 28th it passed the House, by a majority of a hundred and fifty against thirty-five; and received the President's approval at the same time as the Tariff bill.

Generally nothing more was known or suspected concerning this affair, than that, finding his pet system in danger, and perceiving that it was possible to obtain a nine years' reprieve for it by the aid of Jackson's party and Calhoun's, combined with his own, and at the same time to rid both those leaders from their perplexities and the country from the imminence of a civil war, Henry Clay, who seems to have assumed the especial function of developing the "compromise" element in the Constitution, came to an understanding with Calhoun, on the basis perhaps of their common enmity to the President, and wheedled the Senate into accepting his bill, whilst he carried the House by a *coup d'état*. Daniel Webster, with whom Clay had begun to act, was too sturdy a supporter of the Tariff to be consulted, and he expressed his feelings by some tart utterances at the time, and by presenting a string of resolutions to the Senate, on the day after Clay had explained his bill.

"These resolutions," Senator Benton assures us, "brought the sentiments of Mr. Webster, on the Tariff and federal revenue, very nearly to the standard recommended by General Jackson in his annual Message; \* \* and this approximation of policy with that which had already taken place on the doctrine of nullification and its measures, and his present support of the 'Force Bill,' may have occasioned the exclusion of Mr. Webster from all knowledge of this 'compromise.'"

Webster's authorized biography (we thus designate it, because the

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It was Calhoun's unhappiness to have passed that indistinctly traced, and not absolutely invariable line, which true statesmanship could not have failed both to find and to keep within. Else could not Daniel Webster have splintered a lance with him, except at the price of both horse and armour. The clear, well-arranged, simple, yet solid eloquence of the South Carolinian, placed him in oratory as far above him of Massachusetts, as *he* surpassed the conscious and *ad captandum* "gentleman from Kentucky." Calhoun, too, quite equalled Webster in the power of detecting and of exposing the weak points of an antagonist's cause or defence; and in this respect they both were as unlike Clay, as the shot and shell of our siege artillery differs from Greek-fire.

On this occasion, although Webster had, as Calhoun showed with the lucid force of lightning, employed many of the terms, such as "constitutional compact," which he employed in his "Nullification resolutions;" and although neither Webster, nor Clay, nor any one, except those affected with congenital Toryism, least of all General Jackson, (when not President,) would deny that the last resort of all for a people, against misrule, and injustice decreed by a law, is armed revolt; notwithstanding these things, it was patent, on the very fore-front of the Constitution, that "*We, the people of the United States,*" had ordained and established that Instrument of Government; and the disorders which had arisen under "the Articles of Confederation," between *the States, as such*, it was well known, were the reason for devising a Constitution at all; which fully established the literal significance of the term "people." And besides, the institution of a Judicial branch of the general

government, and of the Supreme Court, was intended to supply the very authority which he claimed for his own State, and virtually denied to all the others, both separately and collectively, and to the general government also, on the matter in question. To the Supreme Courts the appeal lay in the first instance; and only after proof of unendurable wrong, and of the refusal of every remedy, should he have resorted to arms, and then with the determination to abide by the decision of that mortal arbitrement, as *right*.

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This we say, with Judge Upshur's defence of Nullification before us; and in spite of his masterly pleading against the force of that preamble, and in favour of the deductions from the sovereignty of the States severally, by which the supremacy of the Federal Judiciary was attempted to be set aside. Upshur insists, that "the Nullifier contends only for the right of a State *to prevent the Constitution from being violated by the general government*, and not for the right either to repeal, abrogate, or suspend it." But how a State could prevent such violation, without committing a far more egregious outrage against it, he has not said. Moreover, confining ourselves to the case in question, in the room of following this writer in the mazes of abstract speculation, we perceive most clearly that this was not the occasion on which such a right ought for the first time, if ever, to have been invoked; the Constitution being threatened with no invasion of a sort to endanger its existence or interfere with its healthy operation in this Tariff Act, though it was named "the Bill of Abominations." Every point in the complaint of Georgia, South Carolina, and their fellows in this resistance of the general government, was purely and wholly sectional; no principle was appealed to in maintenance of them; and the plea of unconstitutionality was merely introduced to support a foregone conclusion.

But we must mark one or two assumptions, which characterize the whole of the arguments on the side of the Nullifiers, and indeed, on the part of Jeffersonian and Jacksonian Democratism alike, as against the other interpretation of the Constitution. Upshur assumes, as Jefferson did, and as Clay and those who voted with him on the *Veto* question also did, that the House of Representatives only represents the people of the United States, and that the Executive, though elected from the people, and by electors chosen by the people, (for his nomination by a party convention does not set aside these facts,) is a power hostile to the people,—because not the legislative branch of the general government, we suppose. Upshur also assumes, and so did Jefferson, and Jackson likewise, with many others, that the Federal Judiciary, though chosen from no one State, or section of the Union, and though not all appointed (for the concurrence of all the conditions pre-requisite to the appointment of the entire Judicial body is infinitely improbable,) by one President, is, nevertheless, as a whole, hostile to, and prejudiced against, any given State; and in respect of it, is incapable of impartiality. To present these assumptions is all that is required for their refutation; had they not been implicitly, and perhaps even unconsciously, made, their perfectly transparent fallacy would have insured their rejection.



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Webster's resolutions, says Benton, (for we must resume our narrative,) brought his sentiments, "on the Tariff and Federal revenue, very nearly to the standard recommended by General Jackson, in his annual Message; \* \* and this approximation of policy, with that which had already taken place on the doctrine of Nullification and its measures, and his present support of the 'Force Bill,' may have occasioned the exclusion of Mr. Webster from all knowledge of this 'compromise.' Certain it is, that with these sentiments on the subject of the Tariff and the revenue, and with the decision of the people in their late elections against the American system, that Mr. Webster and his friends would have acted with the friends of General Jackson and the Democratic party in the ensuing Congress, in reducing the duties in a way to be satisfactory to every reasonable interest; and above all, to be stable, and to free the country from the agitation of the Tariff question, the manufacturers from uncertainty, and the revenue from fluctuations which alternately gave overflowing and empty treasuries. It was a consummation devoutly to be wished, and frustrated by the intervention of the delusive 'compromise,' concocted out of doors and in conclave by two Senators; and to be carried through Congress by their joint adherents, and by the fears of some and the interests of others."

The importance of these views of Benton will appear when we arrive at the organization of the "Whig" party, which was the practical outcome of the "frustration," spoken of here.

Having told the tale of this Compromise Bill according to the ordinary understanding of it, Benton proceeds, in a chapter headed "Secret History of the 'Compromise' of 1833," to relate another, perfectly irreconcilable with it, with all we know of the leaders he speaks of, and with all the inferences and deductions he had drawn from his version of the popular account. It may both instruct and amuse the *quidnuncs*, so we will present it in an abridged form to our readers.

Letcher, one of the Representatives from Kentucky, according to this "Secret History," was the first to think of a "compromise," as the means of releasing South Carolina from its difficult position. Clay, to whom he communicated his notion, at first received the suggestion doubtfully; but afterwards mentioned it to Webster, who rejected it altogether. Without his participation, therefore, the bill was drawn up, and taken to Calhoun by Letcher, who arranged an interview between him and Clay, which led to no results, both the leaders being resolute in maintaining their own opinions. Meanwhile, the indefatigable Letcher had sounded the President, who would have no negotiation, but would execute the laws—that is to say, arrest and try Calhoun for high treason. Being informed of which, Calhoun was "evidently disturbed,"—for indeed he was aroused at midnight with the news.

Clayton of Delaware now appears on the field, "in constant communication with" Letcher and Clay; and we are left to infer that Clay's own story is correct, namely, that, thinking it a pity Jackson should hang those "good fellows" of South Carolina, seeing that Clay's bill was brought to a stand by

"the vehement opposition of the manufacturers," Clayton proposed referring it to a committee, which was done, the committee being what is not uncommonly called a "packed" one. Clayton then assembled the manufacturers, "for without their consent nothing could be done," and it was determined to pass the bill provided the Southern Senators, including the nullifiers, voted for the amendments and the bill. In committee, however, the amendments were voted down, and the bill carried back without alteration. Nothing daunted, Clayton put the amendments into Clay's hands to be offered to the Senate by him, "notifying" both him and Calhoun, that unless adopted by the Southern vote, "every nullifier" included, the bill should not pass. This omnipotent Clayton having thus bound both the rivals, and compelled them to stultify each both himself and the other, to save the country, refused all explanation to them; so Clay moved and Calhoun voted for all the amendments which had been lost in committee, till the "home valuation" one was offered, when Calhoun and his friends relapsed into opposition, and declared it unconstitutional. It was the last day but one of the session, and only one spell remained—Clayton moved to lay the bill on the table, which was to shelve it, and let loose the executioner on South Carolina. Vainly did Clay entreat; Clayton was inexorable. Calhoun then retired with his friends behind the Vice-president's chair, and held a consultation; presently one of them begged delay. Next day, pressing his advantage, Calhoun and all his followers gave up their objections and voted for the amendment, and afterwards for the whole bill. And thus was the "Compromise of 1833" effected.

It is to be regretted that the narrator has somewhat confused the chronology of the affair; for after being carried in the Senate, as we remember, not on the last day of the session, but on the 26th of February; and the duplicate of the bill having passed the House, by the clever *ruse* of Letcher, related in the proper place above, was accepted by the Senate *two* days before the close of the session, and approved by the President on the last day but one. This can but be regretted, because it adds so greatly to the force of the *à priori* objections to the tale, and infinitely enhances the worthlessness of the concluding glorification of the President, which runs thus: "The question of *mastery* in this famous 'compromise' \* \* is shown by the inside view of this bit of history, to belong to neither, [Clay nor Calhoun,] but to Mr. John M. Clayton, under the instrumentality of General Jackson;—who, in the Presidential election, had unhorsed Mr. Clay and all his systems; and in his determination to execute the laws upon Mr. Calhoun, had left him without remedy, except in the resource of this compromise.

"Upon the outside history of this measure, \* \* Mr. Calhoun and Mr. Clay appear as master spirits, appeasing the storm which they had raised; on the inside view they appear as subaltern agents, dominated by the necessities of their condition, and providing for themselves instead of their country;—Mr. Clay, in saving the protective policy, and procuring the support of the manufacturers; and Mr. Calhoun, in saving himself from the perils of his condition; and both in leaving themselves at liberty to act together in future against

CHAP. General Jackson and Mr. Van Buren." Thus Benton, not wholly without *truth*, though we hesitate to accept some of his facts, and the whole of his interpretation of them,—and that on the ground of an explanation by Clay-ton himself. We must omit his wail over the Act thus passed, for its name is sufficient to secure its condemnation; and the Tariff of 1842 completed the proof that it was, in every sense, a blunder,—except, that it relieved Jackson from the real difficulty in which he was placed by the "nullifiers," and at the same time extinguished Nullification.

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Closely connected with the compromise Tariff, or, according to Calvin Ccl-ton, "a *bonâ fide* part" of it, and "indispensable to make the law fully effective," was Clay's Land Bill, which was re-introduced by him early in December. Discussed at intervals during the three months of the session, but with no accession of light respecting any of its obscure points, it passed the Senate near the end of January by a majority of four. The House took it up only on the 1st of March, but passed it then by ninety-six against forty, with some trifling amendment, which the Senate agreed to by a vote of twenty-three against five, and it was sent to the President. Constitutionally, this practice of sending important measures to the Executive on the very last day of a session, particularly when its opinion is known or suspected to be adverse, is wholly indefensible; and they who thought thus to coerce Jackson to approve a measure which he was opposed to, ought to be blamed, instead of him, who simply did what the Constitution fully justified, if it did not actually prescribe. So large a majority in the two Houses in favour of this bill showed, that if returned at once with a *Veto* it would have become law in spite of the President's disapproval; but Jackson did not return it till the following session, so it was defeated, as we shall shortly learn.

Having extinguished the hopes entertained by the friends of the Bank for the renewal of their charter, Jackson followed up the blow, by the suggestion contained in his Message respecting the safety of the deposits of public money, which were in the keeping of that institution; and the recommendation to sell the Bank Stock in the hands of the government. The committee of ways and means reported through James K. Polk (afterwards President) the desirableness of the latter step; but the measure was immediately rejected, though by a small majority,—a hundred and two against ninety-one. The same committee soon afterwards, by G. C. Verplanck, presented a resolution to the House, to the effect that the public deposits were quite safe whilst in the Bank, and it was adopted by the large majority of a hundred and nine over forty-six.

Resolved upon making a case against the Bank, Jackson had caused an agent of the Treasury to inquire into the actual condition of its affairs; and perhaps it was in consequence of his report, that the recommendation of the Message was so peremptorily refused. He showed that the assets of the establishment much exceeded seventy-nine millions and a half of dollars, whilst its liabilities scarcely exceeded thirty-seven millions and a quarter; so that beside its capital of thirty-five millions, it had a surplus of above seven



millions and a half of dollars. Of the solvency of the concern there could, therefore, be no longer any question, by the showing of the Administration itself.

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How Jackson had laboured at the payment of the public debt has been told, and all due praise has been bestowed upon him for his zeal in that business. But he now suffered his zeal to run into excess, and, as if ambitious only of having the renown of extinguishing the debts, he determined to pay off the three per cents, although they were redeemable at pleasure, and were just then much below *par*. The country would therefore have been the loser to the full amount of the difference between the value of that stock in the money-market, and its nominal worth or at *par*. Nevertheless, notice was given in March, 1832, of this design; and it was only postponed for a quarter of a year, on the representation of the Bank, that as nine millions of dollars in duties would fall due before the day Jackson had fixed for the redemption of the stock, it would be better to lend the money to American merchants than pay it to European stock-holders, and on condition that the Bank should pay the interest accruing during the quarter.

Before the adjourned day arrived the cholera visited the States, and great commercial distress resulted from the suspension of business occasioned by it. The agent of the Bank in Europe therefore made an arrangement with the foreign stock-holders to pay them interest for another year, if they would not present their stock for payment for that time. Innocent and patriotic as this arrangement was, it was nevertheless cancelled; the displeasure of the President being so great, and the newspapers supporting the Administration indulging in no measured invective; and both asserting that the reason for proposing it was inability to pay over the deposits. "The stock was actually redeemed in the ordinary course of business at the Treasury." Hence, no doubt, the inquiry above mentioned, which did not disclose what the Administration had so roundly alleged.

"Another cause of crimination" we must relate in the words of the writer of the Annual Register, who, though a supporter of the Bank, is one who cares for the honour of his country. It "grew out of the bill drawn by the Secretary of the Treasury for the first instalment under the French Treaty. Instead of sending to the American minister at Paris an authority to receive the money, or even remitting the bill for collection through the Bank, the government took the unusual step of selling a bill to the Bank at the current rate of exchange, and appropriated the proceeds to the current uses of the Treasury.

"The bill was not paid, and to save the credit of the Bank its agents took it up. A claim for damages, pursuant to the ordinary custom of merchants, was made for the dishonour of the bill; and the President of the United States was indignant that the Bank should call for damages, when he contended that the public monies in the Bank were more than sufficient to pay the amount of the bill."

That these incidents should have inflamed Jackson's determination to ruin the Bank at all hazards, we can well believe; but by them he utterly

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ruined his credit as a financier ; and his success in respect of the payment of the debt shows rather as the result of the growing prosperity of the country than as the fruit of any skill or grasp of mind in him. Such laxity as he showed in this momentous business transaction is inconceivable in the petty affairs of a respectable branch-bank in the backwoods.

Before we proceed to the sequel of this abortive campaign of General Jackson's United States' Bank-War, in Congress, we must notice two other matters. First, the continuation of the system of appropriations for internal improvements, some being allotted to improvements which had been obstinately contested in the legislature, and even be-vetoed by the Executive ; although the Light-house bill, which had been "pocketed" by the President at the end of the preceding session, was returned at the beginning of this, disapproved. And second, the passage of "an Act making provision for the publication of the documentary History of the American Revolution." Congress expired at midnight of the 2nd of March, the 3rd being Sunday, after a short session, in which affairs of great moment had occurred. Two Vetoes were given to bills at the outset, both of them detained from the first session ; one to the Light-house bill, mentioned above ; the other to the bill allowing interest on the claims of the States, in the reasons for which we are sorry that we cannot discover much force or pertinence.

On the Monday after the close of Congress, General Jackson was a second time inaugurated President of the United States, with the customary formalities. His address, which elicited the usual applause, contained nothing which we need to refer to, being little more than a recommendation of union amongst the States, enforced by a display of the dangers that would arise from discord and separation. The President had nothing new to tell respecting his policy ; for that had been exhibited as plainly in the four years just ended as deeds could show it ; and his experience had suggested to him no political principles, nor (as it seemed,) the need of them, for the conduct of public affairs. Jackson was not a man to grow wiser with advancing years. The old saying, that the eye sees nothing which it has not in itself, was remarkably verified in him. Statesmen, whatever Senator Benton may believe to the contrary, will learn little from the history of his Administration, as far as he gave it character and colour, except what neither in America, nor any other state, constitutional or not, can be done with safety and advantage to the commonwealth.

Matters being now tranquil in every quarter of the Union, the General, by way of demonstrating the mode in which he accepted the dogmas of Jefferson, determined on a "progress" or tour, such as Washington and Monroe had indulged in, the former to Jefferson's loudly expressed disgust. Well known in the West and the South, and strong in the confidence of the citizens below Mason and Dixon's Line, the General desired to establish and confirm his influence in the North, and therefore availed himself of the long interval between his second inauguration and the opening of the next session of Congress for visiting the Middle and Eastern States. Whatever details may be

desired of this tour, will find an appropriate place in a subsequent chapter: here we only observe, that though thus apparently throwing off the weight of official care, the President was by no means forgetful of the Bank,—that object of his implacable hostility. Perhaps he was all the more disposed to pursue it, from seeing in every city the evidences of its strength and influence; feeling that it was indeed too formidable a rival to be suffered to live.

At the end of May, Louis M'Lane, having refused to sanction a new scheme which Jackson had devised for effecting the removal of the deposit from the United States' Bank, was himself removed to the Department of State vacated by Livingston; and in his room, William J. Duane was appointed. His parentage gave promise, so we suppose the President thought, of a more Democratic view of the Constitutional powers of the Executive; but though Jackson plied him with such arguments as he believed most convincing, during the Northern Tour, the son of "Aurora" Duane would not agree to the removal of the deposits by the decree of the President; and only assented, "at length," to the commissioning of Amos Kendall to inquire into the terms upon which the State banks would take the public money, "upon the basis of mutual guarantee."

We owe to Senator Benton an "inside view" (as we may call it,) of this step in the affair; which, truly, reflects with no little severity upon Jackson's prudence and statesmanship, for it represents him as commencing the Bank contest without any notion of doing more than destroy the Bank; and upon his honesty, for it disguises his real interest in depositing the public money in the State banks,—to secure them in the interest of the "government."

After stating that up to a particular step in the business, he had never mentioned to the President either his gold currency scheme, or that of "an independent sub-treasury," or "a government treasury unconnected with any bank," he continues; "When these ideas were mentioned to him, he took them at once; but it was not until the Bank of the United States could be disposed of that any thing could be done on these two subjects; and on the latter a process had to be gone through in the use of local banks, as depositories of the public monies, which required several years to show its issue and inculcate its lesson. Though strong in the confidence of the people, the President was not deemed strong enough to encounter all the banks of all the States at once. Temporizing was indispensable,—and even the conciliation of a part of them. Hence the deposit system,—or some years' use of local banks as fiscal agents of the government,—which gave the institutions so selected the invidious appellation of '*pet banks*;' meaning that they were government favourites."

Kendall had not an easy task, especially in respect of the condition he was charged to insist on. The mutual guarantees could not be obtained; and it was no wonder,—for, as Macgregor sums up the evidence upon the part of the Bank question related to this,—“From 1811 to 1830, no less than a hundred and sixty-five State banks, possessing an aggregate capital of about thirty million dollars, either failed or discontinued their business; these failures

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occurring in nearly every State and Territory of the Union. The Treasury had about fourteen hundred thousand dollars deposited within their vaults, the greater part of which it lost; while the loss to individuals was that of many millions,—the bulk of which fell upon widows and orphans, whose property had been intrusted to their banks. These failures arose in some cases from the multiplication of banks in places where they were not required; from injudicious discounts and over-issues; from ignorance of the principles of banking, and the nature and operation of banking institutions; and in some cases, from a desire of gain, at the expense of individuals and the public." We can hardly imagine these facts to be unknown to the President; and if unknown, what can we think of the measure he contemplated?"

Duane, finding Jackson's determination irresistible, consented to move the deposits, if Congress directed him to do so. But this being far less than the President purposed, he convened the Cabinet, and on September the 18th, laid before it a statement of his views on the question he had raised.

Little or no impression appears to have been made by this document, and Benton admits that "the major part of them dissented from his design." Whilst the Secretary of the Treasury was deliberating on the course he should take, Jackson had his statement printed in the "Globe," followed immediately by an announcement that the deposits were to be removed; and receiving from Duane, (whose correspondence we must notice subsequently,) on the 21st, a refusal to carry out his plans, (for what the President had resolved upon, only the Secretary of the Treasury could do,) unaccompanied by any offer to resign the post, he removed him, and on the 23rd appointed Roger B. Taney, then Attorney-general, in his room.

This remarkable state-paper claimed for the Head of the Treasury Department absolute power over the deposits, and it may be admitted that in this it was correct. It insisted that the expiration of the Bank charter being near, the Secretary of the Treasury was bound to devise some scheme for the management of the revenue, at once, in order to avoid the shock which postponing it until the last moment would occasion. It recited various offences of misdoings on the part of the Bank, such as that affair of the three *per cents.*, in which really the Bank had only interfered with a private whim of the President, and had endeavoured to alleviate the trouble occasioned by the cholera visitation; the affair of the bill on the French government, wherein truly the government itself was to blame; and its meddling with politics, a charge which, when closely examined, amounts to this—that *after* the President had pronounced against it, again and again, in a manner that showed him resolved upon its overthrow, the Bank had taken such steps as seemed, to the acute business-men who managed it, the best calculated to prevent its dissolution.

And thus it concluded;—"The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the

press, and the purity of the elective franchise; without which all will unite in saying, that the blood and treasure expended by our forefathers, in the establishment of our happy system of government, will have been vain and fruitless. Under these convictions, he feels that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next, as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made."

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It would not be worth while to mention Benton's "emotion of the moral sublime," which he felt "at beholding such an instance of civic heroism," did it not show the extent to which partisanship had incapacitated Jackson's followers for the perception of the simplest facts, which stood in any relation to their party doings, as they actually were. "I repaired to Washington," adds our moral sublime Senator, "at the approach of the session, with a full determination to stand by the President, which I believed to be standing by the country; and to do my part in justifying his conduct, and in exposing and resisting the powerful combination, which it was certain would be formed against him."

Beside the report of Amos Kendall, the President had made great use of information imparted to him by four of the five directors nominated by the government. The fifth, it will be remembered, was Nicholas Biddle, the Bank president. These men, as soon as ever the directors generally perceived the part they were playing, were excluded from the exercise of some functions, (as, for example, seats in certain committees,) in which they might have impeded the operations and damaged the credit of the Bank. And such arrangements were made, as appeared best, under the circumstances, to enable the institution to weather the storm. But now that the President had so unmistakeably declared his intention, and had, by printing his statement to the Cabinet in the newspapers, appealed to his party against his own ministers, and made the removal of the deposits his own act, there could be no doubt as to what it became the Bank to do. Especially as the sudden presentation of a large amount of notes, by the agents of the government, at one of the remote branches, where it was highly improbable that they could be cashed, showed that no scruples would deter the President and his party from attempting any thing that might harass it, and make it stop payment.

One step was, perhaps, not so wise. A meeting of the direction was called, and a committee appointed to consider and report upon the President's *manifesto*; and in the report, (which was addressed as "a Memorial to Congress,") they spoke of the "paper," and described it as "signed by 'Andrew Jackson,'" calling him also "the individual who signed it;" which displayed a species of feminine irritation, unworthy of a board of business-men. For the rest, nothing could be so prudent, nothing was more indispensable, than the immediate contraction of loans and issues, throughout the whole of the numerous and widely-spread branches of the establishment. Of which we shall speak presently.

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We must, however, quote Benton's correction of the common notion of what Jackson had actually done. "The act which had been done," he says, "was not a '*removal*,' in the [proper] sense of that word; for not a dollar was taken from the Bank of the United States to be deposited elsewhere; and the order given was not for a '*removal*,' but for a *cessation* of deposits in that institution, leaving the public monies which were in it to be drawn out in the regular course of expenditure."

Now, we do not dispute the right of the Administration to order and effect this change; (for we cannot attribute much value to the argument which was directed to prove the Secretary of the Treasury an agent, not of the Executive, but of the Legislative branch of the government;) it was absolutely needful for the security of the public money, that the Executive should have the power to do this, in case of need. We object to the purpose with which it was done, and to the manner. It was plain that the deposits were safe enough in the Bank, (for not only had the President's agent reported so, a commission from Congress had done the same,) and it was equally plain that they could not be regarded as safe in the State banks; whilst there was sufficient time before the charter expired to provide a new depository, which should be at least as secure as the old one; even if that should not have been provided first of all. It was equally plain that this "*removal*" would cripple the credit of the Bank, and destroy the confidence of the people in it, by which alone it had been sustained; and taking all the other movements of the President into the account, there can be no doubt that this, and this only, was the object he had in view. Considering the length of time that Jackson had occupied in attacking it, and the unscrupulous manner in which he had done so, we cannot but think that the Bank must have been well managed, and strong in the confidence of the commercial classes, throughout the country, to stand so long. So that the charges brought against it are generally refuted by observing dates, and by the fact that the Bank did not fall till the President had resorted to his last weapon against it.

As for the way;—the very design of the *entourage* of advisers which had been provided for the Executive was to prevent the operation of wilfulness like this, which can never be other than injurious to a state; and the dismissal of two Secretaries of the Treasury, with the assumption of the responsibility of the measure to himself, being requisite to accomplish this removal of the deposits, might have made the genuine character of the transaction palpable to one less shrewd than Jackson;—precisely as the fact, that the charter was refused to the Bank only by his opposing his *Veto* to the decision of Congress, ought to have shown him, and his immediate adherents also, that he was acting in flat contradiction to the spirit of the Constitution therein, which never could mean that a mere numerical majority, (such as had placed him a second time in the Presidency,) should determine a question mainly affecting particular classes of the community, and requiring special opportunities to be correctly understood.

But it had now, in fact, become painfully apparent, even to those who



supported him, and who were with him on this very Bank question,—as we can see in the chapter of Ingersoll's "History of the Second War" which treats of it, and from which we have already made quotations,—that Congress had fallen into as much suspicion with the President as the Judiciary itself. Indeed, "the Cabinet improper," as Webster designated those unrecognised counsellors, (otherwise known as "the kitchen cabinet,") this body alone seemed to possess any effective control over him, or to be any check to his arbitrary tendencies. The universal dismay felt by those who were the very pith of the manhood of the United States,—the unambitious, high-minded few, whose voices are heard in no caucus or mass-meeting, who are elected neither to the State nor the general governments, the true "salt of society" in America,—their terror and anguish at seeing such evident signs of a determination to over-ride all forms, constitutional and customary alike, which impeded the accomplishment of his will,—usurp the functions of the legislature, and to substitute for its "be it enacted," the *sic volo, sic jubeo*, of the dictator,—to put the country at large under martial law,—and to offer as explanation and justification, the bald avowal that he "assumed the responsibility;"—this requires no other words to describe it, than such an expression as Sullivan's in his "Familiar Letters," written only a month or two after the date we have now reached,—"*the reign of Andrew Jackson began on the 4th of March, 1829, and still continues.*" And it was this which imparted to this "decree" removing the deposits of public money from the United States' Bank its gravest aspect,—*gravest*, even though the distress which followed that removal be considered.

The consequences of these proceedings of the President might all have been foretold. Commercial credit is proverbially most sensitive. The extraordinary measures adopted by the Bank, of which mention has been made above, (questionable though the propriety of them was,) had no doubt staved off the effects of the reiterated recommendations in the annual Messages to refuse the renewal of its charter. And the decided majority in Congress, who were in favour of it, counteracted the effect of the President's *Veto*. Moreover, there was ample time to rescind that *Veto*; and the change of view which Jackson had taken respecting internal improvements, encouraged the hope that, carried by a still more imposing majority, the charter might yet be obtained. This removal of the deposits, at so short a notice, in so peremptory a manner, at once cut off all such hopes; and nothing remained to the directors but immediate retrenchment, which their lavish expenditure during the earlier part of the contest rendered so much the more requisite. Had they not done so, a crash must have happened at once; for the dealings of the Bank had been so extensive, as to bring it into relation with all the great financiers and capitalists of Europe, and transactions in the money markets of Paris, Vienna, or London, might have overthrown it without warning.

"Great commercial distress immediately ensued. At the moment of taking this step, the business of the country was unusually active. The capitalist,

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It must not, however, be imagined that the management of the Bank had been faultless, or that the tactics adopted by the directors in opposing the measures of the government, both before and after the removal of the deposits, were in every respect commendable. In blaming the conduct of the Administration, we do not praise the Bank to a corresponding extent. Something we have already intimated to this effect in our quotations from Ingersoll's History; but charges based upon or coloured by political antipathy are always of doubtful authenticity, let us therefore cite a commercial authority, whose testimony will be all the more valuable if we remember that one of his cardinal principles is the impolicy, nay, the positive harmfulness, of government interference with matters essentially of private enterprise; so that although he occasionally uses expressions which imply some degree of hostility to the democratic institutions of the United States, as a politico-economist he would be appealed to by the Democrats both of Jackson's time and of the present day. He also grounds and supports his representations by means of large extracts from the soundest American writers, thus giving his arguments a native, rather than a European, aspect and authority. We speak of John Macgregor, whose huge collections of Commercial Tariffs and Regulations are as well known, and as highly appreciated, in the United States, as in the land that gave birth to that invaluable "Blue-book."

This eminent writer observes: "In regard to the operations of the United States' Bank in regulating the currency of the country, it has been generally admitted, that its affairs were often far less discreetly managed than were those of many local banks. Mr. Appleton says, 'The great and difficult problem is a currency of bank paper, in the prevention of those fluctuations to which experience shows such a currency is liable in a far greater degree than a currency composed wholly of the precious metals.' 'Severe revolutions took place in 1826, 1829, 1832, in which the Bank of the United States took its full share in the expansions which preceded them.'" And he further quotes Henry Lee to this effect: "The removal of the public deposits from the United States' Bank to the local banks, was the reason assigned for the extremely severe pressure in the money market, which existed between the autumn of 1833 and the summer of 1834. The removal of ten million dollars of the public deposits rendered it necessary that the United States' Bank should contract her loans and liabilities; but such an operation performed as it was, or which it might have been, upon the previous notice [it was little more than a week's notice, however,] given of such an intended transfer of

the public funds, would not have caused any great inconvenience to the trading community, had not the United States' Bank been placed in an insecure position by her previous over-issues and excessive loans."

We are desirous of affording our readers the opportunity of viewing this Bank question, which now assumed so momentous a position in the politics of the country on every side, and of estimating correctly the effects of the measures of the Administration in relation to it; we, therefore, shall offer a few more extracts from Macgregor's authorities, and from his own observations, some for the sake of confirming views already presented, and others to present new ones; but all of them serving for the display of the true course of policy on the part of a free government towards the commerce of the country; and the total and generic distinction between the original grounds of Jackson's attack on the Bank of the United States and the facts appealed to subsequently, in justification of his proceedings.

"The removal of the deposits," says Lee of Boston, "had the Bank of the United States been in a sound and safe condition, would not have disturbed the operations of that establishment to any inconvenient degree; nor have placed the whole commercial community in a position which embarrassed or ruined an immense number of them; while that measure, and its effect on the general monetary concerns of the country, threw the general business transactions of the nation into a state of confusion and disorder that was productive of very injurious consequences." And he adds, that "the main, the effective cause of the monetary and commercial pressure which existed between the autumn of 1833 and the summer of 1834, may be traced to the gross mismanagement of that establishment."

Gallatin, who takes a similar, if not the same, view of this part of the subject, also says: "The threat of the removal of the deposits, and especially the actual removal, created apprehensions of danger immediately to the Bank itself, and more remotely to all the monied institutions and concerns of the country. Retrenchment at all, and rigorous enforcement of its claims at some, points, were presumed to be indispensable to the safety of the Bank; and the extent being conjectural, was exaggerated by timid capitalists, who, as a class, are more fearful than men of less wealth. Men saw that the relations between the government and the Bank were henceforth to be hostile; that between it and the selected banks they were to be those of mistrust; and that without a national bank the stability and safety of the whole monetary system of the country would be endangered. This was the first instance in the history of our government of the direct interference of the President with one of its officers, in the performance of the duties which by law devolved exclusively on that officer. It was the more dangerous, as being in defiance of a solemn vote of the late Congress at their last session; and as if with the intention to forestall the opinion of that which must meet within sixty days after the interference was made, and as if to encroach on its legitimate rights."

Macgregor himself remarks,—“To the absolute measures of President



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Jackson, for they were as much so as if the spirit of Napoleon had directed them, has been imputed the ruin of the Bank of the United States. The *prestige* which it possessed in public opinion, as the deposit Bank of the United States' revenue, vanished immediately after the President transferred those deposits to the respective State banks. But its downfall could not be prevented, even by the most skilful management of the most influential, as well as the most able, of those who wielded the prevailing banking principles of the United States. Mr. Lee, speaking of this remarkable man, says,—‘Perhaps the most influential person in the United States upon the subject of banking is Mr. Nicholas Biddle; and though, from circumstances not necessary to detail, [which we shall have occasion to refer to as we proceed,] some of the influence and authority formerly exercised by him over the public mind may be diminished, yet the banking principles on which he acted are still those which are acted upon through the country,—nor \* \* could that gentleman have retained his station at the head of the United States' Bank, had he conducted its concerns on what might justly be considered safe and sound principles of banking.’”

“There were periods,” according to the same writer, as quoted by Macgregor, “when the late United States' Bank was conducted with skill and prudence. It was enabled by its moderate issues, and its comparative strength, to check the over-loans and over-issues of the local banks. It was, however, extremely unpopular while thus exercising its controlling power over the other banks. The severe contraction, Mr. Appleton has remarked, \* \* which was forced upon the local banks, when the United States' Bank kept its issues and loans within those prudent limits, beyond which it should never have strayed, in order to accomplish a useful purpose,—‘made the Bank exceedingly unpopular, and induced many of the States to attempt to prevent it from operating within them, by taxing the branches, and by other modes of coercion and annoyance.’”

Another result of the removal of the deposits remains to be noticed; and here also we may use the words of Lee, whom Macgregor quotes;—“It was about 1832, or 1833,” says he, “that banks began to be multiplied, not for the purpose of supplying a currency for the country, or of safely and profitably loaning the funds intrusted to them by the stockholders; but to enable, in most cases, their managers, who either had no capital of their own, or an insufficiency of it, to get possession of the capitals of the stockholders.”

One additional fact respecting the retrenchment now practised by the Bank requires to be noted, and then we may attempt a *resumé* of the evidence which has been adduced. As if still hoping to obtain a renewal of the charter, the contraction of loans and issues was manifestly partial and irregular; it was impossible that accident alone should have brought about so remarkable a regulation of the pressure, as to districts, classes, and persons; that it might have been expected, by one who should consider this side of the subject alone, that the influence of the Bank and its popularity would receive so large an accession of power, as to enable it yet to triumph over hostile

Messages and manœuvres, over *Veto*es, removals, and intrigues, and to keep its stand as an institution which the Executive of the Union might envy and hate, but could not overthrow.

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We have purposely allowed the strongest statements which *financial* writers have made against the Bank, to appear in our pages, as well as those of its friends and advocates; being desirous of enabling our readers to go with the feeling of the country and to enter into the popular judgment at the time, as well as to understand the verdict which we regard as in accordance with the whole evidence procurable on the case.

One witness we would specially refer to,—not because his conclusions are absolutely unimpeachable, or his facts not open to correction; but because he is altogether one of the most humorous and most instructive political, or politico-economical, satirists that ever existed,—the writer of “the Letters of Major J. Downing;” and we regret that we can only thus commend to our readers a work which, though written for a specific and temporary purpose, and abounding in local and minute allusions, is still read and enjoyed by those who know no more of “the great Bank controversy” than they can learn from its perusal. For us its peculiar value consists in the indications of the opinions of the Opposition, which was now rapidly passing from the “National Republican” stage to that of the organized “Whig” party. And if it do bear hard upon the foibles and the measures of Andrew Jackson, it proves beyond contradiction how strong a man he was, whom not only the force and popularity of Clay and Calhoun and Webster united could not shake, but whose own errors, and rashness, and inconsistencies, and ignorance of technical statesmanship, and the worse faults of those whom he collected round him, could not keep him from being both then and now the pattern-man of the Democratic party.

Turning now to the Bank question, we must first clearly separate the political from the commercial aspect of it; and then taking up the latter, we must pronounce the United States’ Bank highly blameable for not exerting its vast influence to correct and destroy the vicious system on which banks in general in the United States had been, and were, and still are, carried on. After making all allowance for the loss of popular favour which must have followed immediately from its acting as a check to baseless speculation, and reckless trading upon nominal capital, or (in a word) to commercial gambling, it lent the weight of its example to the local banks, which had been set up with no other object than to promote this, and directly afforded no little assistance to moneyless speculators itself. This was its original and principal wrongdoing, and it afforded the occasion its enemies desired to compass its ruin.

It has always been found, and it must always be so, that the system of granting loans without adequate security, and of issuing paper money beyond the actual need of the community, and without sufficient store of specie to redeem all that might be presented without the occurrence of a panic, are fatal to the success, nay, to the very existence, of a bank. And the Bank of the United States was no exception to this law.

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Of the measures (which Jackson and his party so vehemently denounced,) adopted when he declared war against it, when it applied for the renewal of its charter after his *Veto*, and after he removed the deposits, we have spoken; some few were blameable under any circumstances, but most were either desperate endeavours to retain its privileges, and to prevent its extinction, or errors in judgment to be deplored, but not hastily condemned.

The accusation of interfering in politics was a pretext advanced in vindication of an act that would have lacked the shadow of an excuse without it; and unhappily the Bank, *subsequently*, did too much to justify the charge. Political leaders and the populace, it should have known, do not or cannot nicely discriminate between *before* and *after*, in such cases. The currency-theories and nostrums, "hard money" *versus* "paper money," &c., of which more than enough was said for many a year, were all *after-thoughts* on the part of the anti-bank party; devised for the defence and execution of its measures, or springing up like weeds, spontaneously, from them. If the Bank were wrong in this respect, it only shared the fault of all the money-dealers and currency-doctors of the day; and it was, distinctly, *not* upon any such ground that it was proscribed by the Democratic chiefs, Jefferson and Jackson.

Every authority in the land (*Jackson included*,) had allowed or avowed the Constitutionality of a national Bank; and this Bank, even had it been unconstitutional in its origin, might safely have been declared constitutional by prescription. Besides, if it was unconstitutional, it could only be because not expressly mentioned in the Constitution; a defect in title under which, equally with it, every scheme proposed or substituted in its stead lay.

On the other hand, it is impossible to doubt that it was greediness of patronage which prompted and sustained Jackson's attack on the Bank. The idiosyncrasy of party-chiefs, like him and Jefferson, and others who have been opposed to them also, though not so conspicuously, has ever been, to apply an electioneering test to every subject which has come before them. How it could be employed in the achievement or consolidation of a party or personal triumph, has been the first consideration regarding whatever question came before them. The possession of, or even a voice in, the appointment of so many employés, as were at the command of the Bank directors, would have been an increase of power, of priceless worth for the accomplishment of the "reform," to which Jackson had pledged himself. With such an addition to his "standing army," (as Clay called the officials dependent on the government,) what might not the President have hoped to effect? For without ascribing to Jackson any design to establish a dictatorship or a despotism, (though there were not wanting those who did,—and, it must be confessed, with a little more show of reason than Jefferson used to attribute to Washington and the Federalists an inveterate scheme to set up a monarchy;) we may conceive him not blind to the advantages which might accrue to the holder of so much influence.

The power given to mere numerical majorities by the Constitution and the customs of the United States, does unquestionably and inevitably cause all



affairs like this, however remote originally, to gravitate towards politics. Without political position, without a party, with no need of caucuses, conventions, canvassing, pledges, "glory," or any of the means by which Jackson knew that he had climbed to the envied seat in the Capitol; Nicholas Biddle, merely by having the appointments of the Bank, and its power of loans and discounts, might prove a dangerous rival. And if he did not himself aspire to the chief magistracy of the Union, he might put forward some one who would be equally, or even more, objectionable as an opponent. This incontrovertible fact gives probability, amounting almost to demonstration, to the view we have presented of the real origin of this struggle; and Jefferson's letter to Gallatin, quoted in an earlier Book, about the Bank that then was, supports the evidence on this point. The proof is completed by the discovery, that at the outset Jackson had really no plan to substitute for that which he so resolutely set himself to destroy; that when he had one suggested to him it was several degrees more objectionable than the United States' Bank, and that his intermediate scheme of placing the deposits with the State banks was generally understood to be essentially an electioneering or popularity-seeking movement.

We should have been prepared to find Jackson lax enough in his practical interpretations of the Constitution, in spite, nay, because, of his vehement asseverations that he was guided only by its literal meaning, and from what we saw in the instance of Jefferson. But few would have expected to find him so pertinaciously using the forms prescribed by the instrument of government to frustrate its intention, despising all forms when he felt himself sufficiently strong, assuming the functions of the legislature, and opposing and maintaining his personal opinions against the votes of the legislature, with a resolution that would have brought an English sovereign's head to the block; and just because he did all this, rising in popularity continually, and securing his position as the accepted leader and hero of the great bulk of the American people. Probably enough he would not have succeeded, had not Congress showed under the Administration of John Quincy Adams, a corresponding resolution to usurp the functions of the Executive; nor if there had not been so many aspirants after the highest office in the commonwealth to enfeeble, by their mutual rivalry, their common antagonism to him.

From this time the Bank controversy changed its character considerably; and instead of being a trial of strength between the president of the company and the President of the United States, assumed always more and more of a politico-economical aspect, until at last it became wholly a question of the currency; and it filled men with astonishment to see the people of America, usually so intolerant of over-legislation, submitting to such an excess of it on this matter as only could be paralleled in the autocratic states of Europe, and yet deriving no benefit at all from all these enactments. This however will appear as we proceed with our story.

The new Congress assembled on the 2nd of December for its first session, "commonly called the Panic Session." Andrew Stevenson was re-elected

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Speaker in the House of Representatives, by a majority of a hundred and forty-two against sixty-six, (the total number of votes given to all opposing candidates,) and nine blanks; which showed the great increase of the adherents of the President in that branch of the Legislature. In the Senate, owing to the "compromise," Jackson's party was in a minority. On the second day, as was usual, the Message was sent, and read in both Houses.

In it, next after the review of the foreign relations of the government,—amongst which we find the story of the dishonoured bill upon the French government,—comes the financial statement; to the effect that the revenue for the year was expected to exceed thirty-two millions of dollars, the customs alone amounting to twenty-eight; and that the entire expenditure would fall short of twenty-five millions; so that a large balance would be found in the Treasury, "after satisfying all the appropriations chargeable on the revenue for the year." The approaching extinction of the public debt was spoken of with great gratification. The Representatives were warned against indulging "in a lavish expenditure of the public treasure" for this reason, amongst others, that "upon the best estimates which could be made, the receipts of the next year, with the aid of the unappropriated amount then in the Treasury, would not be more than sufficient to meet the expenses of the year, and pay the small remnant of the national debt which remained unsatisfied," because of the falling off in the revenue, consequent upon the reduction of the duties by "the Compromise Act." Yet, unless that Tariff should be "found to produce more than the necessities of the government called for," the President saw no reason to justify a change.

Next followed the Bank, and the removal of the deposits, which in the last Message the President had suggested, on the ground that they were not safe in its keeping. Now that he had himself directed their removal, though Congress had reported the step unnecessary, because they were in no danger there, he justified his act by alleging the interference of the Bank in the elections, accusing it of using its "money and power," "to influence the judgment and control the decisions" of the people of the United States. "It must now be determined," says he,—as if this commercial establishment, simply by virtue of its extent and the nature of its operations, was an organized Opposition to his Administration, instead of being one struggling for life against his fierce and reckless assaults,—“it must now be determined, whether the Bank is to have its candidates for all offices in the country, from the highest to the lowest, [it had not been so much as charged with having "candidates" for *any* offices;—but it of course took care to keep the offices its own business created supplied; and this was what Jackson would have preferred to do himself,] or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means."

It was impossible to avoid mention of the panic, equally impossible to attribute it to its real source, the insecurity occasioned by the last attack upon the credit of the Bank. The strategy of the directors supplied the means of

turning the general distress into an auxiliary against that institution, and to employ the universally known proof of its solvency (which had been so emphatically questioned in the previous Message) as an aggravation of the new accusation of misconduct. "By a curtailment of its accommodations, more rapid than any emergency requires, [how triumphantly would the Democratic party have pointed out such government dictation in the affairs of a commercial company in the old country, had such been possible, as a clear proof of political bondage and over-legislation! Surely, the Bank might have been left to regulate its own affairs; especially since, by the removals of the deposits, it had ceased to be the servant of the government,] and even while it retains specie to an almost unprecedented amount in its vaults, [and therefore could not be suspected of insolvency,] it is attempting to produce great embarrassment in one portion of the community; while through presses, known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all."

"These are the means, by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, [but, unfortunately, the President was too intent on the destruction of the object of his antipathy, to desist from a course which would have produced a panic, had the United States' Bank possessed fabulous resources, financial and monetary, for relieving the pressure on the mercantile classes;] and that through the increased accommodations which the State banks have been able to afford, no public distress has followed the exertions of the Bank; [is not this a complete exoneration of the Bank from the charges we shall subsequently find urged against it, with more than sufficient vehemence?] and it cannot be doubted, that the exercise of its power and the expenditure of its effects to spread groundless alarm will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on, by the facts disclosed, to order a *scire facias* against the Bank, with a view to put an end to chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort." Which, supposing it could have been brought to a decision earlier, would unquestionably have been the most original remedy for the proceedings complained of, that the commercial world ever heard of. The Bank begins to wind up its affairs, perceiving its last hour come, thence arise alarm and distress; to appease and alleviate which, says the General, I would, "an if I could," bring the whole affair to an end at once!

And then, with a species of apology for not attending to the response of Congress to his first recommendation about the deposits, on the ground that he had removed them from another cause now, the President passed on to the War Department and the Indians, and to the Post Office, whereabout some "illusory statements," he said, had been made respecting its cost, from its very commencement; so he had withdrawn "some of the improvements



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he had made," with a view "to bring the expenses of the department within its own resources." Though why this had not been detected at the commencement of his first Presidency, we do not perceive, nor are we informed. The prevention of steam-boat accidents, and the amendment of the Constitution in its provisions for the election of the Executive officers, were finally commended to the Legislature; and the document concluded.

The principal business of the session was, necessarily, the removal of the deposits; and the Opposition derived no little strength from the energy with which they pressed their attacks upon the Administration on account of it. The power of the Administration as a party, however, grew all the greater by means of these very attacks; the deed done remaining irreversible, and the proceedings of the Bank, and the universal distress, afforded to the partisans of the President a full and satisfactory justification of it. And hence it has arisen that not only has the organized Opposition, after some slight advantages to be noticed hereafter, almost ceased to be a party; but the Democratic party, as constituted under Jackson's leadership, has gradually subjugated almost the entire Union; and this Bank controversy, which was but one thing out of many for which their great chieftain contended, has come to be the one thing which distinguished, not Jackson's term of power alone, but the entire history of the United States since the second war.

No time was lost in the Senate in calling for the promised report of the new Secretary of the Treasury, which, when presented, communicated but little that was new. It was only incidentally, of course, that the President's assumption of the responsibility respecting the removal of the deposits could be introduced; the Secretary being compelled to observe the technicalities of a report from the head of a Department, and to vindicate for himself the right to order such a change in the management of the public money as he had made under the orders of the President. The defence of his principal he grounded on his re-election after his hostility to the Bank had been pronounced beyond the possibility of mistake; and the Bank had opposed it (as was alleged) to the full extent of its power. Against the Bank it was urged that it had forced a circulation of the notes of its remote branches; that it had enlarged its discounts after Jackson's re-election as President; that it had managed some parts of its business by a committee, to which it had not allowed any one of the government directors to belong; and in other ways also had violated its charter; that State banks of "high character and undoubted strength" had been selected, each of which would "give security whenever the amount of the deposit should exceed the half of the amount of the capital actually paid in," or before, if the department should think it advisable; and all of them "honour each other's notes and drafts," thus providing a "general currency," which the Secretary regarded as "at least as sound as that of the Bank of the United States;"—or rather, since "there had not been yet sufficient time to perfect these arrangements," "enough had been done to show that, even on the score of expediency, a Bank of the United States was not necessary, either for the fiscal operations of the govern-

ment, or the public convenience; [the panic then possessing the whole mercantile community, notwithstanding!] and that every object which the charter to the then existing Bank was designed to attain, might be as effectually accomplished by the State banks."

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In conclusion, the Secretary hinted at "the great power of the Bank of the United States," and asked various questions, all tending to show that "the snake was scotched, not killed," and that if mischief did come, it could not be attributed to the government, but to this commercial institution;—which, for all its "vast power," the will of Jackson alone was strong enough to overturn.

Benton's comment on this document states that, "Upon the local banks the Federal government was thrown [having destroyed the national Bank, and forgotten to provide an adequate substitute]—*first*, for the safe keeping of its public monies; *secondly*, to supply the place of the nineteen millions of bank-notes which the national had in circulation; *thirdly*, to relieve the community from the pressure which the Bank of the United States had already commenced upon it, and which, it was known, was to be pushed to the ultimate point of oppression. But a difficulty was experienced in obtaining these local banks, which would be incredible without understanding the cause. Instead of a competition among them to obtain the deposits, there was holding off, and an absolute refusal on the part of many. Local banks were shy of receiving them,—shy of receiving the greatest possible apparent benefit to themselves,—shy of receiving the aliment on which they lived and grew! And why this so great apparent contradiction? It was the fear of the Bank of the United States! and of that capacity to destroy them, to which Mr. Biddle had testified, &c. &c."

This serious repetition of Major Downing's irony is immeasurably more ludicrous than the Major's own satire. But if the fact were so, then the arguments of the opponents of the government's proceedings were established; and we can only account for Jackson's "civic heroism," which raised such "an emotion of the moral sublime" in Benton's breast, by the old principle,—"*Cantabit vacuus &c.*" If heroes are to be measured by the kind of giants and dragons which, in the course of their "labours" and "adventures," they quell and slay; the quality and quantity alike of the heroism of the government in this affair become excessively difficult of estimation. This report was not regarded by the Senate as sufficient to enable it to discuss the subject properly, and on the 11th of December, it respectfully called on the President to communicate the paper read to the Cabinet on the 18th of September, and published in the newspapers immediately afterwards. But Jackson declined compliance with the request; leaving the Senate to interpret his refusal as it pleased, and Clay's friends to denounce the whole proceeding as a "usurpation" consciously made, on the functions and prerogatives of Congress. The Opposition could not therefore deal with that "assumption of the responsibility" by the President, as it had intended.

Henry Clay naturally took the lead in the assault upon the Administra-

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tion, and after suggesting a course which Benton objected to, as involving an invasion of the duties of the House of Representatives, on the 26th of December he submitted two resolutions to the Senate. The first of these asserted that in dismissing M'Lane and Duane because they would not remove the deposits, and appointing Taney for the sole purpose of removing them, "the President had assumed the exercise of a power over the Treasury of the United States, not granted to him by the Constitution and Laws, and dangerous to the liberties of the people;" and the second, that the reasons alleged for the removal were "unsatisfactory and insufficient."

Clay's speech in moving his resolutions may, in part, account for the completeness of Jackson's triumph in this Bank controversy; and will tell those, who could not otherwise comprehend it, why the democratic party has always rated its victory over the Bank so highly. It occupied the greater part of three sittings in its delivery; and bears marks of careful preparation in every part. Bursting at once into the midst of his subject, he commenced,—“We are in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man.” And the whole was in harmony with this abrupt exordium. Directly and indirectly, it accused Andrew Jackson of aiming to transform the government into “an elective monarchy—the worst of all forms of government.” And, as Benton most justly said, it ought to have been spoken in support of an impeachment, not of resolutions stale and foisonless, like those we have described above; and if it had served to introduce an impeachment, then the House of Representatives, and not the Senate, was the place for it, and the orator was invading the functions of the other branch of the legislature, as palpably as the President had invaded the functions of both. We, however, have a weightier charge to bring against this great speech;—it is altogether hollow and insincere. No man earnestly alarmed concerning his country, convinced that the Constitution was really in peril, could have uttered mere big sounding words, and abstained from the remotest approach to action corresponding therewith. It smacks of the hustings and the elections. The only parts which deserve special notice here, are some plain remarks, near the close, upon the actual nature of the proceeding of the President in removing the deposits, aside from the political, constitutional, and overdrawn aspects of it he had offered to the Senate.

“If we examine the operations of this modern Turgot, in their financial bearing merely, we shall find still less for approbation.

“1. He withdraws the public monies, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie; and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis bank is an example.

“2. He withdraws them from a bank created by, and over which the Fe-



deral government had ample control ; and puts them in other banks, created by different governments, and over which it has no control.

"3. He withdraws them from a bank, in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which these deposits formed the basis ; and puts them where the people of the United States draw no interest.

"4. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to refund ; and puts them in banks which have paid to the American people no bonus.

"5. Depreciates the value of stock in a bank, where the general government holds seven millions ; and advances that of banks, in whose stock it does not hold a dollar, and whose aggregate capital does not, probably, much exceed that very seven millions.

"And finally, he dismisses a bank whose paper circulates, in the greatest credit, throughout the Union and in foreign countries ; and engages in the public service banks, whose paper has but a limited and local circulation in their 'immediate vicinities.'

"These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to Congress, will be swelled and extended, remains to be developed by time."

All this is tangible, and has the ring of true metal, whatever our judgment of the correctness of his opinions be ; but when the speaker winds up with stilted periods about "approaching tyranny," "spies and informers," "detraction and denunciation," "cautious whispers of trembling slaves," "premonitory symptoms of despotism," and such like ; we feel that it is pretence, and that he himself does not believe it. The American people showed their sense of it, by not believing it nor him who uttered it.

One document referred to by Clay in evidence of some parts of his charges would perhaps have received greater attention had it not been so employed ; and it assuredly demands notice here. It is the address to the people of the United States, published by the ejected Secretary of the Treasury, W. J. Duane, on the day before Congress met ; accompanied by copies of the correspondence which had passed between him and the President. "I was thrust from office," he said, "not because I had neglected any duty, not because I had differed with the President on any other point of public policy,—not because I had differed with him about the Bank of the United States,—but because I refused, without further inquiry or action by Congress, to remove the deposits." The letters are, one in which the Secretary, first fortifying his position with five official documents and quotations from the President's own communications to him, gives fifteen valid reasons for "respectfully refusing" to remove the deposits as Jackson directed him ; one in which Jackson returns this, "as a communication which he could not receive ;" three letters from the ex-Secretary to the President, endeavouring to turn the iron resolution he dared not obey ; and one, finally, from the President, removing the too conscientious and "limited patriot" from his office.

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And the sum of the whole, as to the spirit and meaning of the disappointed and dismissed writer, is contained in some excerpts from a private letter of his, which found its way into the public papers about a month after he had been dispensed with by his political chief. We quote them in part, as evidences of the effect of Jackson's proceedings on one section of his adherents.

"It is but too obvious, either that we misunderstood the qualities of General Jackson's head, or else he has been wonderfully altered. On all the cardinal questions agitated, he has failed to be consistent. He promised purity in selections for office; yet few have been purely made. He professed to be a friend to domestic industry; yet he has done more than anybody else to prostrate it. He advocated a national government bank; and yet affects to dread a monied aristocracy. He complained of the corruptions of one bank; and takes forty or fifty irresponsible paper-circulating banks under the national wing. He has been for, and against, internal improvement. He denounced nullification; yet has of late been unsaying all that he said in his proclamation. In short, I do not believe he ever had fixed principles, or ever arrived at any result by the exercise of the mind. Impulses and passions have ruled. \* \* \* I had not been twenty-four hours in office, when I felt my vessel on the breakers. I found that the President was in the hands of men whom I would not trust, personally or politically. \* \* \* I undertook to tell the President the truth, in the language of a freeman, rather than a courtier,—the end of all which was my removal from office, under aggravating circumstances. \* \* \* At Washington, my unwillingness to pull as a well-trained mule would, was a matter of surprise. Moral courage at Washington is as scarce as liberality at Warsaw."

Some parts of this report we can confirm from our own independent knowledge; and others show how matters, whereof we have heard from other sources, looked to one who must have been a Democrat, though of an older school than General Jackson and most of his immediate hangers-on. This will show us how deep the rent between the two sections of the Democratic party had become. But we must return to this lengthening debate on Clay's resolutions.

"On the 8th of January, 1834," says our old authority, Charles J. Ingersoll, "Colonel Benton moved to amend Mr. Clay's resolution, by requiring Nicholas Biddle to appear at the bar of the Senate, to be examined on oath touching the curtailment of the debts of the Bank, and the application of its monies to electioneering and political objects; which, *like all his other motions*, was overruled by large majorities." We can only record the more memorable features of this seven months' long combat. On the 13th of January Calhoun spoke, in his own clear, forcible, and well-worded style. After making out the case against the Secretary and the Administration, introducing judicious hints respecting the influence of the President's anti-bank policy on the monetary and commercial affairs of the country, and a few words in favour of the position he had taken up at the head of the nullifiers, against the Federal government, he responded to and re-echoed Clay's assertion of the

revolutionary character of the times, in consequence of the course taken up by Andrew Jackson. CHAP.  
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Calhoun thus came to share with Clay, in Benton's esteem, the leadership in "the condemnation of General Jackson;" whilst Webster, though he did not "speak in favour of their resolution, aided it incidentally in the delivery of his distress speeches." Webster, only a week after Calhoun's speech, laid before the Senate "a series of resolutions adopted at a public meeting in Boston, of a remarkably temperate and argumentative character; in which the prevailing distress was traced mainly to the removal of the deposits; and the restoration of the friendly relations between the government and the Bank of the United States was mentioned as the only measure of relief likely to prove effectual." And he announced himself "in favour of renewing the charter of the then existing Bank, with such alterations as might be expected to meet the general sense of the country."

Ten days later, at the end of January, the orator of Massachusetts availed himself of some phrases employed by two of the Administration party, to utter more of his burning words. "Sir," said he, "I see in those vehicles which carry to the people sentiments from high places, plain declarations that the present controversy is but a strife between one part of the community and another. I hear it boasted as the unfailing security, the solid ground never to be shaken, on which recent measures rest, that *the poor naturally hate the rich*. \* \* \* 'The natural hatred of the poor to the rich!' Sir, it shall not be till the last moment of my existence,—it shall be only when I am drawn to the verge of oblivion, when I cease to have respect or affection for any thing on earth,—that I will believe the people of the United States capable of being effectually deluded, cajoled, and *driven about in herds*, by such abominable frauds as this. If they shall sink to that point, if they so far cease to be men, thinking men, intelligent men, as to yield to such pretences and such clamour, they will be slaves already; slaves to their own passions, slaves to the fraud and knavery of pretended friends. They will deserve to be blotted out of all the records of freedom; they ought not to dishonour the cause of self-government by attempting any longer to exercise it; they ought to keep their unworthy hands entirely off from the cause of republican liberty, if they are capable of being the victims of artifices so shallow, of tricks so stale, so threadbare, so often practised, so much worn out, on serfs and slaves.

"'The natural hatred of the poor against the rich!' 'The danger of a monied aristocracy!' 'A power as great and dangerous as that resisted by the Revolution!' 'A call to a new declaration of independence!' Sir, I admonish the people against the object of outcries like these. I admonish every industrious labourer in the country to be on his guard against such delusion. I tell him the attempt is to play off his passions against his interests, and to prevail on him, in the name of liberty, to destroy all the fruits of liberty; in the name of patriotism, to injure and afflict his country; and, in the name of his own independence, to destroy that very independence, and make him a beggar and a slave. Has he a dollar? He is advised to do that



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which will destroy half its value. Has he hands to labour? Let him rather fold them and sit still, than be pushed on, by fraud and avarice, to support measures which will render his labour useless and hopeless."

Whilst this oratorical contest was proceeding, the people in all the great cities and towns throughout the Union, and in many of less note, held meetings, and despatched petitions to Congress, and committees to wait in person on the President, for the purpose of representing their distress and begging him to recommend some measure of relief. As the session advanced, this popular action on the Executive and the Legislature grew in intensity, both as to the numbers and urgency of the applications. The State legislatures, and the local banks, and other bodies in favour of the President personally, or of this particular measure, on the other hand, addressed memorials and despatched deputations to him, to express their approval of the course he had pursued, and encourage him not to relax the rigour or determination of his hostility to the Bank.

The President received these testimonials to the advantages of his policy with great favour; but the petitioners for relief were told that the government could provide neither remedy nor relief, it was all in the hands of the Bank, or the banks, and themselves, for "they who traded on borrowed capital ought to break:"—an aphorism so true as to be a truism, and quite false when laid down thus without discrimination or limitation. We may be assured, that few would venture on such an errand to the White House, except those who were not "Jackson-men;" and so the roughness of their reception is fully accounted for. The Senate willingly received the petitions which complained of distress, and implored relief; but in the House of Representatives, where the majority supported the President, they met with little countenance. Nevertheless, all the session long, these proofs of commercial embarrassment and popular excitement continued to pour into Washington; nor was it possible for any quite to shut out the conviction that the country had to pay dearly for the accomplishment of the President's designs.

All this while, another movement in the Bank contest was in progress in the Senate—the discussion of the question whether or not to confirm the nomination of the government directors to the Bank. James A. Bayard, one of the five, was accepted by the Senate, but the other four were rejected, about the end of February.

In the House also, a line of operations, wholly distinct, and indeed opposed to what we have seen proceeding in the Senate, was being carried on. There, the Message, the Secretary's Report, the Bank Memorial, and the other documents relating to the matter, were all referred to the committee of ways and means; and Polk, the chairman, on the 4th of March reported four resolutions, which were carried on the 4th of April, to this effect:—that the Bank ought not to be re-chartered; that the deposits ought not to be replaced; that State banks ought to be used as places of deposit, but that Congress (and here they implicitly blamed the President, and that with some severity) ought to prescribe the mode of selecting them, the securities, the terms, and

the manner of employing them; and that a complete investigation of the affairs of the Bank of the United States should be made, for the purpose of ascertaining "the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States."

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Benton records with great satisfaction the fact, that the resolution against the re-charter of the Bank was carried by a majority of a hundred and thirty-four (others say *five*;) against eighty-two; as it shows "an immense difference, to the prejudice of the Bank, since the *Veto* session of 1832." We, considering that there had been a Presidential and a Congressional election since that time, and observing that in the Senate no such change had taken place, can only believe that the Administration had made the best use of its numerous opportunities, and its vast powers, and had demonstrated that the Bank was not that horrible and all but omnipotent thing which the President's Messages, and the speeches and writings of his adherents, had so passionately and continually declared. Others of the resolutions were carried by a smaller majority; but the last by a majority of a hundred and thirty-three!

These resolutions were yet under discussion in the House, when, at the beginning of February, a number of incidents which mark the onward movements of the struggle occurred. On the 4th, Jackson sent a Message to both Houses of Congress, in which he censured the Bank for refusing to deliver to him the books, papers, and funds, connected with the pension to the surviving soldiers of the Revolution. A censure which the judiciary committee of the Senate, on the 17th of the month, reported as undeserved; which decision was affirmed by the Senate, after much debate, near the end of May.

Next day, the 5th of February, the resolution declaring the unsatisfactoriness of the Secretary's story having been referred to the committee of finance later in the preceding afternoon, Webster produced the report of the committee, "a very elaborate argumentative paper," says Benton, "the reading of which consumed an hour and a quarter of time,"—as we can well believe. It recommended the adoption of Clay's resolution. Such remarkable despatch of business displeased the Administration party even more than the support of Clay's motion; and Benton, overlooking the fact that it had been under discussion for above a month, tells us with some exultation that this report had been drawn by the Bank solicitor, and was ready in Webster's pocket, before the matter was referred; as if the adoption by the committee were not the only thing of importance, or were wanting in the case.

On the 22nd of February, Webster made his speech against Forsyth's declaration that the Executive was trying "an experiment" with the public deposits. "Mr. President," he said, "this experiment will not amuse the people of this country. They are quite too serious to be amused. Their suffering is too intense to be sported with. \* \* They are not so unthinking as to forego the rich blessings now in their actual enjoyment, and trust the future to the contingencies and the chances which may betide an unnecessary and a wild experiment. They will not expose themselves at once to injury and

CHAP. I. to ridicule. They will not buy reproach and scorn at so dear a rate. \* \* The objects avowed in this most extraordinary measure are altogether undesirable. The end, if it could be obtained, is an end fit to be strenuously avoided; and the process adopted to carry on the experiment, and to reach that end, (which it can never attain, and which in that respect wholly fails,) does not fail, meantime, to spread far and wide a deep and general distress, and to agitate the country beyond anything which has heretofore happened to us in a time of peace." "Depend upon it, Sir, depend upon it, this experiment cannot succeed. It will fail, it has failed, it is a complete failure already."

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The numerous speeches made by Clay, Webster, and others, when presenting memorials and petitions respecting the distress, we can only refer to generally; with a less resolute President, or one capable of "looking before and after," such tactics would have succeeded in turning him from his object. One incident alone we may relate.

Whilst seconding Webster's motion to refer and print one of these memorials, Henry Clay addressed Van Buren personally, and charged him with a message and a supplication to the President. "Go to him, and tell him," said he, "without exaggeration, but in the language of truth and sincerity, the condition of his bleeding country. Tell him, it is nearly ruined and undone by the measures which he has been induced to put in operation. Tell him, that his experiment is operating on the nation, like the philosopher's experiment upon a convulsed animal in an exhausted receiver; and that it must expire in agony if he does not pause, give it sound and free circulation, and suffer the energies of the people to be revived and restored. \* \* \* Tell him, that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. \* \* Tell him, that in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and reflect that there is a point beyond which human endurance cannot go; and let him not drive this brave, generous, and patriotic people to madness and despair."

"During the delivery of this apostrophe," Benton relates, "the Vice-president maintained the utmost decorum of countenance, looking respectfully and even innocently at the speaker all the while, as if treasuring up every word he said to be faithfully repeated to the President. After it was over, and the Vice-president had called some Senator to the chair, he went up to Mr. Clay, and asked him for a pinch of his fine maccoboy snuff (as he often did); and having received it, walked away. But a public meeting in Philadelphia took the performance seriously to heart, and adopted a resolution ["that Martin Van Buren deserves and will receive the execrations of all good men, should he shrink from the responsibility of conveying to Andrew Jackson the message sent by the Honourable Henry Clay, &c., &c.,"] which the indefatigable Hezekiah Niles 'registered' for the information of posterity."



How Webster played only a secondary part in relation to the main attack upon the President's policy, has been told. The Representative of New England and the North was, however, too important a man, and too well understood his position with his party, to be satisfied with this; on the 18th of March, therefore, he moved for leave to bring in a bill to extend the charter of the Bank for six years,—proposing, as he said, and no doubt thought, that “which no reasonable man, who really desired to relieve the country, could object to.” Beside the extension for six years, the restoration of the deposits after the 1st of the following July was a prominent feature of his scheme. Yet, aware that without some compromise there was not the remotest possibility of effecting any result, he inserted the provision, that after March, 1836, when the old charter expired, Congress should be “at perfect liberty to create any new bank:” and as a counterpoise, permitted the directors to begin to divide the capital among the stockholders three years before the expiration of the charter, if they had to wind up their concern. “And it is my settled belief,” added he, “that if we cannot carry this we can carry nothing.”

This proposal was not open to the objection urged by the President's party against Clay's resolutions. It did not involve impeachment, and it was not a barren expression of opinion; but it met with no more favour than they had received from the anti-bank-ists. Calhoun supported it, not as being what he desired to see, for he wished the term to be doubled,—but because it was a practical measure with regard to “the currency,” as he explained. It was understood, too, that Nicholas Biddle himself preferred this measure, as the best and most feasible remedy for the state of things in which he found himself. Clay insisted on the full term of twenty years, and for once forgot his own policy. It is alleged by Benton, that the introducer of the proposition “had private assurances of support from friends of the Administration, if all the friends of the Bank stood firm.” Simultaneously with, and *à propos de*, this movement of Webster's, Benton brought forward “his proposition for the revival of a gold currency.” But it was not by Benton or the Administration that Webster's plan was defeated; “the friends of the Bank refused, in a body, to give Mr. Webster the leave asked: the enemies of the Bank were in favour of giving him the leave,—chiefly, perhaps, because his friends refused it.” He, therefore, himself “moved to lay his own motion on the table;” and Forsyth, calling for the yeas and nays, demonstrated that “this balk came from Webster's own side of the chamber.”

On the 28th of March, Clay's second resolution, as recommended by the Finance committee, passed; twenty-eight voting for it, against eighteen on the contrary side. And the same day the first resolution, which had been altered again and again by its promoters, passed (twenty-six voting for it, and twenty against,) in this form;—“Resolved, that the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and Laws, but in derogation of both.”

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When the House of Representatives, in the beginning of April, voted amongst other things for an investigation of the affairs of the Bank, in order to the discovery of the cause of the distress and panic which prevailed throughout the Union, no time was lost by the committee that had been appointed in carrying out the intention of the overwhelming majority which had commissioned them. But on arriving at Philadelphia, they discovered, that notwithstanding four valid grounds of right to make such an inquiry into the business and conduct of the Bank, the directors of this institution were by no means disposed to submit to it. And without searching very curiously, we think we can see reasons sufficient for their determination, in the simple fact that "confidence," which in general implies *secrecy*, was essential to the management of a Bank.

"The directors had appointed a company of seven to meet the committee of the House [also numbering seven,]—a procedure," says Benton, "unwarranted by any right or usage, and offensive in its pretentious equality; [yet, one could believe, not unjustified by the circumstances of the case;] but to which the committee consented. \* \* The corporation committee was to sit with them, in the room in the Bank assigned for the examination; and took care always to pre-occupy it before the House committee arrived; and to act as if at home receiving guests. The committee then took a room in a hotel, and asked to have the Bank books sent to them; [the reasonable men!] which was refused. They then desired to have the books subjected to their inspection in the Bank itself; in which request they were baffled, and defeated. The Bank committee required [as was surely just and proper, considering their duties to their constituents and to the customers of the Bank; two tolerably numerous classes;] a written specification of their points of inquiry, either in examining a book, or asking a question,—that it might judge its legality; which they confined to mere breaches of the charter. [In which respect alone they were amenable to Congress, be it remembered.] And when the directors were summoned to answer questions, they refused to be sworn, and excused themselves on the ground of being parties to the proceeding."

Foiled thus, and by so unexpected an application of the "*demos krates* principle," for which none had so strenuously contended as the anti-Bank party, the commissioners returned to Washington, reported the upshot of their efforts to bring the Bank to account, and moved that a warrant should be issued by the speaker, to arrest and bring to the bar of the House Nicholas Biddle and the other contumacious directors, to answer for their contempt. But the resolve was not acted upon, and the directors enjoyed their triumph, which was more than a "negative" one, though Benton so regarded it. They had no other triumphs to boast; but to this one they were fairly entitled, if democratic republicanism be anything more than an empty name.

But we should fail in our duty to our readers, if we did not present them with a most graphic sketch of the proceedings which preceded and accom-

panied the passing of Clay's resolutions in the Senate, and of the opposing resolutions in the House.

"During all the progress of this proceeding," says Benton, whom we quote because no suspicion of unfairness towards the President can attach to his words,—“while a phalanx of orators and speakers were daily fulminating against him,—while many hundred newspapers incessantly assailed him,—while public meetings were held in all parts, and men of all sorts, even beardless youths, harangued against him as if he had been a Nero,—while a stream of committees (as they were called,) was pouring upon him, and whom he soon refused to receive in that character; during the hundred days that all this was going on, and, to judge from the imposing appearance which the crowds made that came to Washington, to bring up the distress, and to give countenance to the Senate and emphasis to its proceedings, and to fill the daily gallery, applauding the speakers against the President, saluting with noise and confusion those who spoke on his side; [and recalling the luckless days of the French Revolution, with its “assemblies” and “conventions,” legislating under the dictation of the mob of Paris;] during all this time, and when a nation seemed to be in arms, and the earth in commotion against him, he was tranquil and quiet, confident of eventual victory, and firmly relying upon God and the people [or at least upon his majority of voters, and the “standing army of forty thousand” office-holders] to set all right.

“I was accustomed,” continues the Senator from Missouri, who vies with Major J. Downing in his claim to be considered the bosom-friend of the General, “I was accustomed often to see him during that time, always in the night, (for I had no time to quit my seat during the day,) and never saw him appear more truly heroic and grand than at this time. [Whence at the lowest we can learn the Senator's notion of the “truly heroic and grand;” if nothing more.] He was perfectly mild in his language, cheerful in his temper, firm in his conviction, and confident in his reliance in the power in which he put his trust.—[The majority of voters, namely; which was unquestionably on his side, and has not merely assailed him from all blame in this affair, but recorded it as one of the greatest and most brilliant triumphs which the nation ever achieved.] I have seen him in a great many situations of peril, and even of desperation, both civil and military, and always saw him firmly relying upon the success of the right, [which was *whatever* he did,] through God and the people; and never saw that confidence more firm and steady than now. After giving him an account of the day's proceedings, talking over the state of the contest, and ready to return to sleep a little, and prepare much for the combats of the next day, he would usually say, ‘We shall whip them yet. The people will take it up after a while.’”

“But though fictitious and forged, yet the distress was real, and did an immensity of mischief. [This must be marked as an important admission.] Vast numbers of individuals were ruined or crippled in their affairs; a great many banks were broken,—a run being made upon all that would not come into the system of the national Bank. The deposit banks above all were selected

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for pressure. [It was hard, undoubtedly; but the anti-Bank partisans had no right to complain of this; their own proceedings with regard to the Bank of the United States ought to have silenced them.] Several of them were driven to suspension,—some to give up the deposits,—and the bank in Washington, in which the treasury did its business, was only saved from closing its doors by running waggons with specie, through mud and mire, [we do not question it,] from the mint in Philadelphia to the bank in Washington, to supply the place of what was hauled from the bank in Washington to the national bank in Philadelphia; [for since “the government” had insisted so strongly upon “specie,” it was but fair that its own “pet bank” should pay in specie; and having been so sharply set upon, it is not marvellous that the national bank should show a little play at last;]—the two sets of waggons, one going and one coming, often passing each other on the road. But while ruin was going on upon others, the great corporation in Philadelphia was doing well. The distress of the country was its harvest; and its monthly returns showed constant increase of specie.” Benton’s un-divine wrath against the Bank makes him forget his own favourite dogma of a “gold currency,” and seem (for he can never have supposed the “distress of the country” the *harvest* of the national Bank) ignorant of the A B C of banking. In fact, the Bank was now proving the groundlessness of the charges of commercial wrong-doing brought against it; so that we must not be surprised at the displeasure of one who had supported those accusations.

In the middle of April, before the attempt at investigating the affairs of the Bank was made by the House, Jackson replied to the condemnatory resolution of the Senate by a long Protest of a very remarkable character. The principal part of it was occupied by an exposition of the Constitution, as understood by himself, for the purpose of showing (as Benton had attempted in Congress) that the course adopted by the Senate in passing the condemnatory resolution was contrary to the forms and the spirit of the Constitution. In four instances it showed, by the citation of approving resolutions passed by State legislatures, that Senators had voted in opposition to the known and avowed views of their constituencies,—by which the force and worth of their votes was assumed to be neutralized. The first form of the resolution, which was withdrawn before the final vote, it discussed as amply as if the Senate had passed it. It took for granted that Congress might not record such an expression of its opinion of the President’s acts, except in the form of an impeachment by the House of Representatives before the Senate. No distinct explanation of the conduct which had called forth the resolution was vouchsafed; but in defending the removal of Duane, and in discussing the “time and occasion” of the passing of the resolution of the Senate; the old, oft-repeated, never-proved, accusations of the Bank were incidentally inserted. The sum being no more than this, that “the Bank of the United States, a great monied monopoly, [which it was not,] had attempted to obtain a renewal of its charter, by controlling the elections of the people, and the action of the government;”—which was an

admission that the political action of the Bank was undertaken in self-defence alone.

The concluding paragraph (which shows that the Protest was not written by Jackson) was cleverly constructed as an appeal to this great and widely-spread party of personal adherents. "I have lived in vain," it says, "if it be necessary to enter into a formal vindication of my character and purpose. \* \* In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased; [when a boy, being taken prisoner by the British, he was wounded by a British officer, so the tale went, for refusing to perform some menial service for him;] in vain have I since periled property, fame, and life, in defence of the rights and privileges so dearly bought;—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt;—if any serious doubts can be entertained as to the purity of my purpose and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire. [Most of the Senators knew that the Bank struggle was now, on its part, for the bare life, as a commercial institution; but *the people generally* would receive this declaration of the President's as an announcement of a simple fact.] If I had been venal, I should have sold myself to its designs; [there is no evidence that the Bank ever offered to buy the President, even had he been venal;]—had I preferred personal comfort and official ease to the performance of my arduous duty, I should cease to molest it. [It does not follow that he was the less indulging his idiosyncrasy.] \* \* \* The ambition which leads me on, is an anxious desire and fixed determination to return to the people unimpaired the sacred trust they have confided to my charge,—to heal the wounds of the Constitution, and preserve it from further violation; to persuade my countrymen, (so far as I may,) that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp,—protecting all, and granting favours to none, &c., &c." Alas! and there were the millions of coloured men in the South, which the system designedly left *unprotected*; and there was "the standing army" of placemen, on whom all the favours that the Executive had in its gift, or could get into its power, had been bestowed; and so "plain" had the "system" become, that every man of real genius and ability was in the ranks of the Opposition; the Administration being avowedly based upon a mere unimpressible but overwhelming majority of voters!

Finally, the President "respectfully requested, that this Message and Protest might be entered at length on the journal of the Senate."

The greatest "excitement," or "indignation," (according to the reports of the different parties,) followed the reading of this Protest, and Poindexter, a Senator from Mississippi, immediately moved that it should not be received. "This effort to denounce and overawe the deliberations of the Senate," said

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he, "may properly be regarded as capping the climax of that systematic plan of operations which has for several years been in progress, and is designed to bring this body into disrepute among the people, and thereby remove the only existing barrier to the arbitrary encroachments and usurpations of Executive power." Benton seized the opportunity to deliver the speech he had already prepared, moving (but without any expectation of carrying it at this time) a resolution to expunge the condemnation from the record of the proceedings of that House.

And thus for three weeks the new storm raged, until on the 7th of May, by a vote of twenty-seven against sixteen, the following modified resolutions were passed ;—"That the Protest communicated to the Senate on the 17th [of April] by the President of the United States, asserts powers as belonging to the President, which are inconsistent with the just authority of the two houses of Congress, and inconsistent with the Constitution of the United States ; and that the aforesaid Protest is a breach of the privileges of the Senate, and that it be not entered on the journal."

Calhoun spoke on the day before the vote. He insisted that the question was not whether the Senate had a right to pass their original resolution ; "it is one of a very different character, and of a much greater magnitude. It is *whether the President has a right to question our decision?*" He ridiculed the pretensions of Jackson to be "the immediate representative of the American people ;" and referring to the new organization of the "National Republican" Opposition, and the name they had chosen,—*Whig*,—which recalled both the glorious days of the Revolution, and the time when, in the Fatherland, the ancestors of those who had fought for and achieved the Independence of America, had resisted unto the end the tyranny of the Stuarts, and the madness of the *Tory* party which aided and abetted them, he said ;—"I am mortified, that in this country, boasting of its Anglo-Saxon descent, any one of respectable standing, much less the President of the United States, should be found to entertain principles leading to such monstrous results ; and I can scarcely believe myself to be breathing the air of our country, and to be within the walls of the Senate chamber, when I hear such doctrines vindicated. It is proof of the wonderful degeneracy of the times,—of a total loss of the true conceptions of constitutional liberty. But, in the midst of this degeneracy, I perceive the symptoms of regeneration. It is not my wish to touch on party designations that have recently obtained, and which have been introduced in the debate on this occasion. I cannot, however, but remark, that the revival of the party names of the Revolution is not without a meaning, nor without an indication of a return to those principles which lie at the foundation of our liberty."

Webster's great speech was delivered on the very day of the vote. It is the one eulogized so extravagantly by Chancellor Kent,—"*It is worth millions to our liberties ;*" and of which Tazewell declared, that he would bequeath his copy of it "*as a special legacy to his children.*" It exposed and combated the assumptions of the Protest, and those more dangerous practical



pretensions, which it was the design of the Protest to vindicate; and stripping from that unconstitutional document its outward show of criticism on the discussion and resolution of the Senate, displayed the appetite for greater power than the Constitution allowed to the Executive, which it concealed. The claims to be the sole direct representative of the American people, and to be the guardian of the Constitution "against the Representatives of the people and the representatives of the States," were exposed with all the force of such words as Webster could utter. Respecting the latter claim he spoke thus:

"Mr. President, the contest for ages has been to rescue liberty from the grasp of the Executive power. Whoever has engaged in her sacred cause, from the days of the downfall of those great aristocracies which had stood between the king and the people, to the time of our own independence, has struggled for the accomplishment of that single object. On the long list of the champions of human freedom there is not one name dimmed by the reproach of advocating the extension of Executive authority; on the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. To this end the spirit of liberty, growing more and more enlightened, and more and more vigorous from age to age, has been battering for centuries against the solid buttments of the feudal system. To this end all that could be gained from the imprudence, snatched from the weakness, or wrung from the necessities, of crowned heads has been carefully gathered up, secured, and hoarded, as the rich treasures, the very jewels, of liberty. To this end popular and representative right has kept up its warfare against prerogative, with various success; sometimes writing the history of a whole age in blood, sometimes witnessing the martyrdom of Sidneys and Russells, often baffled and repulsed, but still gaining, on the whole, and holding what it gained with a grasp which nothing but the complete extinction of its own being could compel it to relinquish.

"At length, the great conquest over Executive power in the leading western states of Europe has been accomplished. The feudal system, like other stupendous fabrics of past ages, is known only by the rubbish which it has left behind it. Crowned heads have been compelled to submit to the restraints of law, and the PEOPLE, with that intelligence and that spirit which make their voice resistless, have been able to say to prerogative, 'Thus far shalt thou come, and no further!' I need hardly say, Sir, that into the full enjoyment of all which Europe has reached only through such slow and painful steps we sprang at once, by the Declaration of Independence and by the establishment of free representative governments; governments borrowing more or less from the models of the other states, but strengthened, secured, improved in their symmetry, and deepened in their foundation, by those great men of our own country, whose names will be as familiar to future times as if they were written on the arch of the sky!"

Marvellous as is the power of the spoken word,—as we feel it to be when we listen to such utterances as this,—how true is the proverb, "Speech is

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 A. D. 1829 peculiar to himself, and in its way "resistless," held audiences, composed in  
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"Wielded at will that fierce democracy,  
 Shook the Capitol, and fulminated——"

over the land, with force comparable only to that of the immortal orators of Greece and Rome. On the other hand, Andrew Jackson, a man so illiterate that he could scarcely upon any subject write two consecutive sentences grammatically, with his immovable reliance upon his own impulses, and un-failing tendency to press every conviction into action, by the mere superiority of the plainest *fact* over the most admirable *word*, not only overcame that redoubtable combination, but made the policy which was originated by it, in reality, impossible for the United States. This is a matter worthy of the consideration of those who would indeed be leaders in the nation.

Shortly before the final passage of Clay's resolutions, the President transmitted to the Senate the names of the four persons he had before appointed in behalf of the government, as directors of the Bank of the United States, who had been rejected, as we said above; adding, that if they were again rejected, he would nominate no others. The majority of the Senate regarded them with little favour, on account of the *ex parte* evidence they had furnished to the President respecting the conduct and the affairs of the Bank. Indeed they regarded them as "government spies," and so designated them. The committee of finance was intrusted with the reconsideration of their appointment; but the defiance of the vote of the Senate already recorded against them was too flagrant, and when the committee reported, on the 1st of May, unfavourably, a larger majority than before rejected them all.

As an indication of the degree of excitement in the country and the Senate, we may insert here the sum of a report presented in that house of Congress by its Secretary, at the end of April, "in relation to the memorials for and against the removal of the Public Deposits." It is worthy of this distinct mention, because it shows a seeming (but no more than *seeming*) exception to the principle of governing by majorities, which prevails in the United States. The number of signatures attached to memorials against the removal, and for the replacement of the deposits in national Bank, was a hundred and fourteen thousand nine hundred and eighteen; those in favour of the proceeding of the President amounted to no more than eight thousand seven hundred and twenty-one!

No sooner had the Senate disposed of the President's Protest, than Clay returned to the charge, and proposed two other resolutions, in which he hoped that the Representatives also would join;—to the effect, that the reasons for removing the deposits, offered by the Secretary, were unsatisfactory and insufficient, and that the public money ought to be placed in the Bank of the United States again. After due, or more than due, debate, in which no argument of novelty enough to deserve attention was advanced, the Senate

accepted them, by votes of twenty-eight and twenty-nine to sixteen, on the 4th of June; and they were sent to the other House; and there, on the 13th of the month, on the motion of James K. Polk of Tennessee, (a follower of Jackson on the Bank question,) by a vote of a hundred and fourteen against a hundred and one, they were "laid upon the table," and so ended.

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About the beginning of May, when the distress and the panic were at their height, a resolve of the Senate called upon the Secretary of the Treasury for a report upon the finances, "with the full belief," alleges Benton, "that the finances were going to ruin, and that the government would soon be left without adequate revenue; and driven to the mortifying resource of loans." In the middle of June this report was presented, and "far from the financial decline which had been expected, it showed an increase in every branch of the revenue; and from that authentic test of the national condition," adds our zealous Jackson-man, "it was authentically shown that the Union was prosperous! and that the distress, of which so much was heard, was confined to the victims of the United States' Bank, so far as it was real; and that all beyond that was fictitious and artificial,—the result of the machinery for organizing panic, oppressing debtors, breaking up labour, and alarming the timid."

How Webster moved that, instead of being read, the report should be referred to the committee of finance; and how Benton, prepared for such "a motion to get rid of it," made a speech, which he had in readiness, conveying the same information as the report, "not in the quiet, subdued tone of a state-paper, but with all the emphasis, and all the challenges to public attention, which the amplifications, the animation, and the fire and freedom which the speaking style admitted;"—all this must be omitted. Nor is it of great value, for apart from the suspicion which cannot but attach to a state-paper prepared by the persons who had, if the panic really arose from the diminution of the credit of the national bank, actually inflicted the injury; and for which suspicion we shall soon have, unhappily, only too satisfactory grounds;—apart from this, the report could include only the state of things *before the panic*, and could by no means represent the financial condition of the country during the period when matters were proceeding in so afflictive a manner, as Benton himself admits was the case in the panic.

We have offered our readers specimens of the oratory of the great speakers against the administration in the course of this contest; and as this was one of Benton's most jubilant efforts in behalf of it, let us do him the justice to insert, as an example of his style and power, the peroration of this address, as he himself gives it in his "Thirty Years' View."

"A word more, and Mr. B. was done. It was a word to those gentlemen whose declarations, many ten thousand times issued from this floor, had deluded a hundred thousand people to send memorials here, certifying what those gentlemen so incontinently repeated, that the removal of the deposits had made the distress, and nothing but the restoration of the deposits, or the renewal of the charter, could remove the distress! Well, the deposits are



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not restored, and the charter is not renewed; and yet the distress is gone! What is the inference? Why, that gentlemen are convicted and condemned upon their own argument! They leave this chamber to go home self-convicted upon the very test which they themselves have established; and after having declared, for six months, upon this floor that the removal of the deposits made the distress, and nothing but their restoration, or the renewal of the Bank charter, could relieve it; and that they would sit here until the dog-days, and the winter solstice, to effect this restoration or renewal: they now go home in good time for harvest, without effecting the restoration or the renewal, and find every where as they go the evidences of the highest prosperity which ever blessed the land.

"Yes!" repeated and exclaimed Mr. B. with great emphasis, "the deposits are not restored,—the charter is not renewed,—the distress is gone,—and the distress speeches have ceased! No more lamentations over the desolation of the land now; and a gentleman who should undertake to entertain the Senate again in that vein, in the face of the present national prosperity,—in the face of the present Report from the Secretary of the Treasury,—would be stared at, as the Trojans were accustomed to stare at the frantic exhibitions of Priam's distracted daughter, while vaticinating the downfall of Troy, in the midst of the heroic exploits of Hector!"

Yes, we may reply; but unhappily, Cassandra, though unbelieving, was a true prophet; and "national prosperity" and "report from the Secretary of the Treasury" proved to be not exactly one and the same thing; and the distress full soon was found *not* to have ceased; and though the deposits were, after all, not replaced, nor the Bank re-chartered, and the country, notwithstanding, remains where it was, and much the same as it was, at this day, it had to pass through such a baptism, as none not peopled by the Anglo-Saxon race, and always receiving recruits from the veritable old Harz-mountains, and having an endless expanse of territory, offering dwelling and land and wealth-creating labour to all, could have survived. What the Administration predicted actually befell, but in a manner precisely opposite to that it had foretold. What the Opposition foreboded did not occur, but the direction and character of the course of events exactly accorded with that which they presaged!

"A presentiment of what was to happen," says Benton, in his hundred and ninth chapter, "induced the President to delay, until near the end of the Session, the nomination to the Senate of Mr. Taney for Secretary to the Treasury." Which was a thing he should not have done, because, though accordant with the letter, it was contrary to the intent of the Constitution; and was consequently a usurpation of the rights of the Senate; and because he had so loudly contended for a strict adherence to the Instrument of government, that he should have been the last to violate it, even in seeming. Clay had, in the middle of March, called for the nomination of Taney, and again in the middle of May; but not till the last week of the protracted Session, on the 23rd of June, was his name submitted for the acceptance of the Senate;

to be immediately rejected, as it was perfectly competent to the Senate, and as the course adopted by the President respecting him invited it to do. That gentleman, thus turned out of office, "resigned" the same day; and the business of the department was carried on by the chief clerk of the treasury.

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One other matter relating to the Bank occurred in this session:—the commissioning by the Senate of the finance committee to investigate the affairs of the Bank during the recess. They were required to ascertain whether the charter had been violated, whether it was a safe depository for the public monies, and what had been the character of its general management, and its conduct with respect to loans, especially since the *Veto*. The report of this we shall mention soon, when we arrive at the time of its presentation; now we must hastily record some other proceedings of this momentous six months of legislative action.

Closely connected with the subject of the currency, which had now assumed great importance in relation to the Bank question, was an act passed this session, "concerning the gold coins of the United States." The chief provision was that the *Eagle* should, after the 31st of July next following, contain two hundred and thirty-two grains of fine gold, or two hundred and fifty-eight, standard gold; being twelve grains less than the old coin of that denomination had contained. By other acts, subsidiary to this, the value of certain foreign gold and silver coins was regulated in accordance with this new weight. The purpose of these measures was "the equalization of the value of gold and silver;" or, more correctly, the determination of "the true relative value of the two metals." The ratio had been fifteen to one in favour of gold; that which the scientific inquirers and financiers recommended instead of this, was the ratio of fifteen and five-eighths. But Benton had already recommended the Spanish ratio, sixteen to one, in his gold currency speech; and he now pressed this with such cogency that it was adopted.

The difficulty, as the Senator from Missouri remarks, had always been so to adjust the value, as that neither metal should expel the other; and with the old ratio, it was impossible to retain gold in the country, since in the neighbouring colonies of Spain its worth was greater by one in every fifteen parts than in the United States. "The good effects of the bill," continues our "hard-money" man, "were immediately seen. Gold began to flow into the country through all the channels of commerce; old chests gave up their hordes; [or suppose it were their *hoards*?] the mint was busy; and in a few months, and as if by magic, a currency, banished from the country for thirty years, overspread the land, and gave joy and confidence to all the pursuits of industry." There was one quarter of the commercial heavens unirradiated by these golden beams, our Senator admits. We could have anticipated it. "The United States Bank—;" but we cannot unfeelingly ridicule his patriotic woe. "People were alarmed with counterfeits. Gilt counters were exhibited in the markets to alarm the ignorant. The coin itself was burlesqued in mock imitations of brass and copper, with grotesque figures, and ludicrous inscriptions;—the 'whole hog' and the 'better currency' being the favourite

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devices." Nay to such a length was this factious, rather than facetious, opposition carried, that "the name of 'gold humbug' was [irreverently] fastened upon the person supposed to have been chiefly instrumental in bringing the derided coin into existence." And if all this was not the work of the Bank and Nicholas Biddle,—whose could it be?

Jackson had announced in his Message the discovery of what he euphemistically termed "illusory statements" regarding the costs and the management of the Post Office. This was taken up in the Senate, and a committee was instructed to inquire into, and report upon, the condition of that establishment. A few days before the end of the session, this report was presented, with certain resolutions appended; the first of which, after being debated, was accepted "unanimously;" so plainly had there been a dereliction of duty in the heads of that department. The consideration of the others was deferred till after the further prosecution of the inquiry.

"Resolved," said the report, "that it is proved, and admitted, that large sums of money have been borrowed at different banks by the Postmaster-general, in order to make up the deficiency in the means of carrying on the business of the Post Office department, without authority given by any law of Congress; and that as Congress alone possesses the power to borrow on the credit of the United States, all such contracts for loans by the Postmaster-general are illegal and void."

The other prominent measures of the session were chiefly acts making appropriations for various public purposes,—internal improvements continuing to receive no small share of the attention of Congress. Amongst them we observe with considerable interest one authorizing the purchase of the books and papers of General Washington; for the United States have certainly never failed in honouring, according to the genius of their people, the great men who have risen amongst them. And with the month of June, 1834, this first session of the twenty-third Congress closed.

During the recess, the Finance committee of the Senate sat for the investigation of the Bank affairs, as had been determined by the friends of that institution. It was called by its opponents, "the white-washing committee;" and not so unfairly, for only one member of it had opposed the Bank in Congress, and nothing could be expected to result from it but the reassertion of the foregone conclusion. And on the 1st of December, the Houses of the Legislature reassembled for their short concluding session.

John Bell of Tennessee had been appointed Speaker, in the place of Stevenson, near the end of the previous session, when this gentleman was nominated minister plenipotentiary and envoy extraordinary to the court of St. James, as we shall see in a coming chapter. The Message, which was read on the day following the opening, related principally to foreign affairs. It reported that the revenue of the current year, from all sources, was expected to amount to more than twenty millions and a half; there remaining in the Treasury, from the year before, above eleven millions and three quarters of dollars; whilst the estimated expenditure reaching only twenty-five millions and a half,



nearly seven millions would remain in the Treasury at the end of the year. CHAP.  
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 “It appears,” continued the President, “that after satisfying all those appropriations, [made in former years,] and after discharging the last item of the public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about four hundred and forty thousand dollars. [Small sum enough, but yet a *surplus*, after paying off the last vestige of the debt, and therefore to be duly celebrated, as we see.] That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which awaits the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested, to guide us in determining the precise amount of revenue which they will produce.”

Anticipating the result of the investigation of the committee of the Senate, Jackson broke out against the Bank in new invectives;—“created for the convenience of the government, that institution has become the scourge of the people,” said he, and he denounced with new fire “its corrupt and partisan loans.” For the Bank had not been idle; soon after the end of the preceding session Biddle had given notice of the purpose and ability of the Bank to extend its loans and discounts once more; and it had become so natural and necessary to the President and his adherents to complain of the Bank, that whatever it might do, or not do, they would have complained in the same manner. It would, indeed, be a sufficient answer to most of the allegations against this well-abused institution, to arrange them in chronological order and present them at one view to our readers; for each is, in general, cancelled by its next successor, and the force of the whole is neutralized by the inconsistency of them, and the animosity so evidently pervading them. But this must have been manifest from our relation of the controversy.

Besides extending its accommodation, however, the Bank had enforced its claims against the government on the ground of that dishonoured and “protested French bill;” and this alone was sufficient to rouse Jackson’s hottest ire. “The open seizure of the dividends on the public stock, to the amount of one hundred and seventy thousand and forty-one dollars, under pretence of paying damages, costs, and interest!” It is no wonder that the President’s soul was stirred. “This measure resorted to by the Bank is disorganizing and revolutionary, and if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence:” an argument which might have been brought to bear very effectively on certain of Jackson’s own official doings. The only satisfactory proof of impropriety in this proceeding of the Bank we do not find in the Message,—the exhibition of a safe and honourable way to obtain certain and complete reparation of the injury received in consequence of the unusual course adopted by the government in the matter of this bill. The absence of this is an irrefragable reply to the President’s tirade.

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"To continue any business relations with the Bank of the United States that may be avoided without a violation of the national faith," proceeds the irate Executive, "after that institution has set at open defiance the conceded right of the government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly expressed will of the people by turning against them the immense power intrusted to its hands, and by involving a country otherwise peaceful, flourishing, and happy, in discussion, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents, and do much to destroy the confidence of mankind in popular governments, and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honour and preservation of the republican system. Deeply, solemnly impressed with the justice of their views, I feel it my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provisions of the charter requiring the receipt of notes of the Bank in payment of public dues, shall, in accordance with the power reserved to Congress in the fourteenth section of the charter, be suspended until the Bank pays to the treasury the dividends withheld; that all laws connecting the government or its officers with the Bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means."

And, in a subsequent paragraph, eulogizing the local banks for their services and characteristics as fiscal agents of the government, a complete vindication of the Bank is incidentally introduced, in the shape of a charge against it of "agitating and convulsing the country for *upwards of two years*,"—a term which exactly justifies the assertion we have repeatedly made, that the Bank acted in self-defence alone, and that the burden of blame for whatever "agitation and convulsion" it might have occasioned to the country, really lay upon "the government," whose persecution compelled it to resort to such measures for its own protection.

Frauds committed against the Treasury "under the various laws granting pensions and gratuities for revolutionary services;" the army, the navy, and Indian affairs, next received attention, and then came the Post Office. From the report of the Postmaster-general it appeared "that there was a deficit in the funds of the department at the commencement of the present year, beyond its available means, of three hundred and fifteen thousand five hundred and ninety-nine dollars and ninety-eight cents; which on the 1st of July last had been reduced to two hundred and seventy thousand and ninety-two dollars and seventy-four cents. It appears, also, that the revenues for the coming year will exceed the expenditures about two hundred and seventy thousand dollars; which, with the excess of the revenue which will result from the operations of the current half year, may be expected, independently

of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835." And by way of enforcing the implicit "let bygones be bygones," it was recommended that the whole department should be reorganized "with an auditor and treasurer of its own," to be "branches of the Treasury Department."

The remedy of a defect in the judicial system then existing was pointed out; and the conclusion of the Message was devoted to a new discussion of the internal improvement question, finishing thus;—"I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them cannot be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion."

Although this was the short session, and both the Presidential and the Congressional elections were coming on, some matters of moment occurred in it; the first and principal being the presentation of the report of the Bank investigation committee to the Senate. Webster, although the official chairman of the Finance committee, had declined to act on this occasion; so that to Tyler, afterwards President, fell the honour or responsibility of composing and pronouncing the final defence of the Bank. After the full account we have given of the entire controversy, our readers will not require even an outline of this report. No novelty could be expected in it; nor could it be other than a most partial exposition of the subjects it handled. Neither would excerpts from the vehement speech of the undaunted defender of the government—Senator Benton, at all serve as counterpoise, or corrective, or complement to it.

Benton, in the same spirit of zealous partisanship, once more brought forward his Expunging Resolution,—but now in a more distinct and positive form. In his "Thirty Years' View," he modestly enough assigns great credit in relation to this affair to Alabama; but though the Senator from that State first brought to bear upon the House he adorned, what the Whigs of Great Britain, at the very time when this was proceeding, called "the pressure from without,"—to Benton alone the credit, whatever it be in kind or degree, is due. But now he failed to carry his resolutions, having only seven votes with him, against the large majority of thirty-nine. His supporter's motion, to receive and print the "Alabama expunging resolutions," was negatived by a majority equally decided. The Senator assures us himself, and we may give him our complete belief, that the speech which he delivered, when bringing this proposal forward now, "was intended for effect upon the country,—to influence the forthcoming elections,—and not with any view to act upon the Senate." And he relates with some energy the failure of a manœuvre to shelve the whole matter by Clayton of Delaware; who, on the last day of the session, "when the Senate was crowded with business," took up the mo-



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 A. D. 1829 and White of Tennessee, hoping to outmanœuvre him, proposed to alter  
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 was agreed to alter the phrase, and then Daniel Webster, exulting in the *expunging* of the very term “expunge,” moved that the resolution thus amended should again be laid on the table, which a vote of twenty-seven against twenty carried.

“The exulting speech of Mr. Webster,” says Benton, and perhaps also (we may add) the increase of the minority, though it was in favour of his “amended” resolution,—“restored me to my courage,—made a man of me again;—and the moment the vote was over, I rose and submitted the original resolution over again, with the detested word in it,—to stand for the second week of the next session,—with the peremptory declaration, that I would never yield it again to the solicitation of friend or foe.”

One recommendation of the President had been the passage of an Act to regulate the custody of the public money in the local banks, to whose keeping it had been intrusted. He had offered the same recommendations when he first removed the deposits, and the House of Representatives had passed such an Act as he suggested, but it was lost in the Senate. Now, however, when the same Act was sent to the Senate by the House, it passed that House also, by twenty-eight votes against twelve. This vote spoke as plainly as Webster’s words, whilst proposing an amendment to the Act,—“I shall take no part in any attempt to renew the charter of the Bank. The people have decided against its continuance, and it must expire.” But the requirement of such an Act was not less an admission that the removal of the deposits itself was of questionable constitutionality and lawfulness; for this “regulation of the deposits,” as it was called, was in fact an act of indemnity; and was so understood. We shall see that, nevertheless, this measure was not carried through.

Another measure of great moment which was amply discussed, yet not carried through the Legislature, was a bill to repeal the “Four years Law,” and to regulate the power of removal which had been constructively claimed for the President, and so unsparingly used by Jackson. Webster, Clay, and Calhoun all exerted their best powers of acumen and argument against the monstrous extension of the Executive power which Jackson’s conduct had effected. They might with great force have urged the *argumentum ad hominem*; for after the uncalled-for parade of his liberalism in interpreting the Instrument of Government, Jackson was open to no hesitating feeble rebuke; for, relying on what Coleridge calls “the smoke-like wreath of inference,” he had spread his “ever-widening spiral of *ergo* from the narrow aperture of the single text,”—“the executive power shall be vested in a President,”—until the removals from office, in the course of the six years of his Administration, and those *mainly for political reasons*, had mounted up to “more than two thousand,” five or six hundred of them having occurred in the Post Office alone! Clay offered an amendment reversing the old decision regarding

the power of removal; but, though so many bewailed the evil, he "was subsequently induced not to urge" the remedy now.

Calhoun, replying to Benton, uttered upon this occasion his famous denunciation of the party of the President. "A Member," said he, "may vote on any question of the kind, [it was of an appropriation question that he spoke,] for or against, and be still a good Jackson man. He may be for or against internal improvements,—for or against the Tariff,—for or against this or that expenditure,—for or against the Bank, without forfeiting his party character, provided always and nevertheless he shall submit to party discipline, and sustain the party candidates for office. This is the only cohesive principle; this is the only subject deemed of sufficient importance to be raised to the dignity of a party question. All others, however important in themselves; however sacred the principle involved; however essential the measure to the public prosperity; are all, it seems, too insignificant to be made party questions. They are all left open questions, in reference to which the faithful may take either side. \* \* The only cohesive principle [“a principle as flexible as India-rubber, and as tough too,” he said later in his speech] which binds together the powerful party rallied under the name of General Jackson, is official patronage. Their object is to get and to hold office; and their leading political maxim, openly avowed on this floor by one of the former Senators from New York, now governor of that State, is that ‘to the victors belong the spoils of victory!’ \* \* \* Let us not deceive ourselves;—the very essence of a free government consists in considering offices as public trusts bestowed for the good of the country, and not for the benefit of an individual or a party; and that system of political morals which regards offices in a different light, as public prizes to be won by combatants most skilled in all the arts and corruption of political tactics, and to be used and enjoyed as their proper spoils,—strikes a fatal blow at the very vitals of free institutions.”

This was undoubtedly the morals of "the Opposition," but the principle was sound; and Jackson himself, we can never forget, when not in office, was able to give counsel equally sound and patriotic to his friend who had the responsibility of the Executive office resting on him.

Little else that need concern us occurred in Congress during the session, except perhaps the establishment of branches of the mint at the gold mines in North Carolina and Georgia and at New Orleans; and the failure of a scheme set on foot by Calhoun for distributing the surplus revenue that was expected amongst the States. And when the 3rd of March arrived, and the twenty-third Congress expired, it left "almost all the important measures [of the session] which had been discussed and partly acted upon, unfinished; amongst which was the Post Office Reform bill, the Custom House Regulations bill, the Judiciary bill, the bill Regulating the Deposit of the Public Monies in the Deposit Banks, the bill respecting the Tenure of Office and Removals from Office, the bill for Indemnifying the claimants for French Spoliations before the year 1800, and the Fortification bill."

Extra-congressional events have seldom engaged our attention in these chap-

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ters, except in the recess ; but one event happened at the beginning of the year 1835, which requires particular notice. From the days of Peisistratus and before them, the favourite artifice of men who plotted against public liberty to win the hearts of the people, has been the affectation of the fear or the peril of assassination. And at the same time this is one of the most real of dangers for men who have achieved a high political position. Besides which, there are always monomaniacs in society, whom the most trifling occasions will arm with murderous intentions against any public notability.

Major J. Downing, under date February the 20th in the preceding year, does not scruple to charge upon the Administration the old demagogue's trick. "Findin' things was goin pretty tuff agin us, and so many Committee folks comin on here, pesterin on us every day with petitions and talk, [our folks] tho't best to put a stop to it—and got up some letters full of fire, and toe, and brimstone, and bloody murder agin the Ginerál—and threatenin on him. This, you know, is an old trick in the old countries—and I tell'd the Ginerál I was peskily aferd it wouldn't work well here. But they wouldn't take my advice—and so they got some on 'em printed. The first go off, the Ginerál had a notion it would do some good, in stirrin up our friends about the country ; but when he and I come to consider on't, he begun to think it wouldn't work right—for when you come to think on't, it looks plagy strange, that folks who want a re-charter of a Bank should be cut-throats and murderers—for if they had a notion that way, they could git money without comin here for it, and killin the Ginerál, an runnin the risk of my axe in the bargain—."

Not much more was heard about the matter then ; and even a personal assault on the President by a disappointed naval officer, who "tweaked his nose" on board a steamer, was soon forgotten amidst the pressure of more real perils. Early in this year, however, on the 30th of January, the President "assisted" at the obsequies of Warren R. Davis, a Representative from South Carolina. As the funeral procession was setting out from the Capitol, just as Jackson with his Secretaries of the Navy and the Treasury beside him entered the portico from the door of the great rotunda, some one stepped out from the crowd, and in rapid succession snapped two pistols at him. Both of them missed fire, the percussion caps alone exploding ; the General, never so much himself as under such circumstances, raised his cane, and rushed at the assassin, who was knocked down by a bystander and instantly secured. After-trial showed the pistols well loaded, and perfectly effective ; and on examination it proved that he was an emigrant from Great Britain, by name Richard Lawrence, a house-painter, driven to madness by want of employment, who, regarding the President as the cause of the universal depression of trade, thought by his death to avenge his own imagined wrongs, and to rid the country of its oppressor.

And now the whole country was busied in the elections for Congress immediately, and more remotely for the Presidency. It was very generally believed now that, tired of the toil and sated with the enjoyment of the chief magistracy, Jackson would at once retire, and by that means immediately



secure the succession of his indefatigable friend and "*Egeria*," (for he was the presiding genius of that "Cabinet improper" of which the Opposition so often spoke,) Van Buren. It soon however appeared, that such a course would without doubt throw the real succession into the hands of the opponents of his policy, and afford an opportunity for another coalition or compromise, which might be more injurious than that of '33 to the Democrats. Wherefore in February in this year, renouncing that thought, he wrote a private letter for the purpose of publication, recommending the holding of a national Democratic convention, with as little delay as could be, to nominate candidates for the two Executive offices at the next ensuing election. Van Buren had started the notion of such a convention, because he foresaw that by that means only could he be sure of the envied honour of following the General in the roll of the Presidents. The personal adherents of Jackson, who were the largest majority of his party, would, if Jackson himself advised that plan, adopt the man of his choice, and guarantee him the support of the Union.

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The result was precisely what Van Buren expected. When the convention met at Baltimore in the middle of May, the whole of the six hundred delegates who were present, and who represented more or less completely the Democracy of twenty-two States, voted for him as Presidential candidate. A majority of more than two over one chose Colonel Richard M. Johnson, of Kentucky, as the candidate for the Vice-presidency; the minority voting for William C. Rives, of Virginia, which State protested against the nomination of Johnson, and declared that it could not vote for him.

The greater number of the Democratic party opposed to Van Buren, procured the nomination of Hugh L. White, a Senator from Tennessee, as Jackson's successor. The Whig opposition, still more divided than their rivals, had three candidates in the field. Of them Daniel Webster, though nominated only by his party in the Massachusetts legislature, seemed to have the best prospect of rallying the party in his favour. General Harrison of Ohio,—whom long ago we used to read of as warring against the Indians, and winning battles of Tippecanoe and the like, and therefore, competing with the hero of Tallapoosa and the "Seminole Hunt," and whose intense suspicion of British designs led him to see in every successful skirmish with the red men a victory over King George,—he was nominated at Harrisburg:—Ohio itself nominating John M'Lean.

The event proved, for the first time, that the great orator of Faneuil Hall could not reach that topmost round of ambition's ladder to which he manifestly aspired,—as his declining to serve on the Bank investigation committee, though he was its official chairman, and his giving up the re-charter of the Bank in the way we showed, must be considered conclusively to prove. Harrison, restored to a conspicuous position only by being nominated for the Presidency, whose whole sum of services we have related, could easily surpass him. The reason for this remarkable fact will appear in due time.

Upon the rejection of Taney, Levi Woodbury was appointed to the Secre-

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taryship of the Treasury, and accepted by the Senate. And during the recess of 1835, Amos Kendall, who "was a constant counsellor of the President," received the Post Office, as the reward for his faithful extra-official services. Taney was consoled for his rejection by the Senate by the post of associate judge, in the place of Duvall. Ingersoll declares that he deeply regretted his *appointment* to the Treasury. "The ambition of his whole life had been, he said, a seat on the bench of the Supreme Court of the United States, which would be marred by involvement in the trammels and politics of the Treasury, under a leader whom it was still more dangerous to displease than to follow. The future Chief Justice [for to that high station he rose at last, as will be told] could not foresee, through the lowering *imbroglio* of that conjuncture, that the vivifying plumage of Jackson's broad protecting wing, warmed by senatorial spleen, would bear him afterwards to the highest seat on the bench, where he only aspired to one less elevated." What cannot metaphor accomplish? especially if judiciously mixed!

With the winter came the meeting of Congress again; and on the opening day the dominant influence of the Administration in the House was shown by the election of James K. Polk of Tennessee as Speaker, in opposition to John Bell, the late Speaker, by a hundred and thirty-two votes against eighty-four; only nine votes being scattered and so lost. Bell had forfeited the confidence of the Democratic party by siding with the supporters of Judge White as a candidate for the Presidency. On the next day, December the 8th, came the Message.

After due celebration of the glory of the Union, and full narrations of all foreign negotiations and affairs, the public finances were noticed. Their condition was announced as "never more flattering;" the debt was extinguished; a balance of nineteen millions was in hand; after all unexpended appropriations had been met, there would be eleven millions; twenty millions were expected to accrue from various sources during the following year; and after all the appropriations were made which would be submitted to Congress, a surplus of six millions might be anticipated. This surplus, it was suggested, might be laid out in navy yards, or new national works, rather than distributed amongst the States, or "reduced faster than would be effected by the existing laws." The receipt of eleven millions from the sale of public lands in the current year was announced; and the need of some great changes in the General Land Office was intimated; together with the abolition of the offices of commissioners of loans and of the sinking fund.

Little remained to be said of the Bank, but Jackson was one who never left an enemy while life was in him; so a new form of attack was devised. "It is incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of public revenue; and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connexion with it after the 3rd of March, 1836, when its charter ex-

pires." And then, in the manner which had unfortunately become characteristic of Presidents' Messages by this time, he proceeded to discuss over again at great length the whole Bank question,—*crambe bis decies cocta*,—in which it is not incumbent upon us to imitate him.

Notices of the Army Department followed; the reorganization of the Topographical Corps was recommended; the failure of the Fortification Bill to pass in the previous session was regretted; and the digestion and establishment of a practicable militia system was strongly urged. The Indian Removal question was next spoken of, and the steps taken to promote the physical comfort and moral improvement of the aborigines detailed. And after a slight glance at the Navy, the Post Office was reached. "The speedy extinguishment of its debts" was vaguely promised through an "able and luminous report" of the Postmaster-general; the transmission of mails on railroads was for the first time mentioned, and the action of Congress invoked to repress the extravagance of the compensation required for that service, upon grounds, and under sanctions, hardly compatible with a very enlarged Political Economy.

But this is not so remarkable as the next suggestion. "In connexion with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South, by *attempts* to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war. \* \* \* \* I would therefore call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."

Endeavouring to measure this recommendation by the standard that will be applied to it, when a sufficient interval of time shall have passed to allow it to be judged impartially, we are struck by the exact accordance of the contemplated measure with those actually in force, at that very time, in the autocracies of Europe. The conversion of an institution of public utility into a political engine, for the upholding of social order as it existed and still exists in the South, however well suited to Austria, Italy, or Russia, is certainly the last thing to be expected as a fruit of the establishment of the independence of America. The Bank controversy itself could not prepare us for such a phenomenon. But there is an inexorable logic in the allowance and maintenance of a wrong such as slavery is; and in unbroken and closely connected series there have followed from the Resolution establishing it, both in the several slave States and in the Union, every statutory enactment and judicial decision requisite for carrying that resolution into completest effect, without the manifestation of the least misgiving on the part of those who have given themselves up to the influence of the horrid spell.

We do not need to point out the real meaning of the phrases employed in describing the alleged offence against the Union. For all our readers know

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that the notion of Northern philanthropists attempting to excite the slaves of the South to insurrection, by means of letters and printed circulars sent to them, *individually* of course, through the post, is ridiculously improbable, nay *impossible*. And of all modern social displays of Epicureanism (as we are used to call the attention to the lowest objects of humanity in preference, but with all the zeal appropriate, to the highest ;) the following passage is surely one of the saddest. "Our happiness and prosperity essentially depend upon peace within our borders,—and peace depends upon the maintenance, in good faith, of those compromises of the Constitution upon which the Union is founded." How could the seed of the Puritans forget that saying, which to their forefathers had all the authority of the Word of God,—"*Righteousness exalteth a nation, but sin is a reproach to any people*" ?

Repeating, once more, his suggestions regarding the mode of electing the President and Vice-president, and the extension of the judicial system, Jackson concluded his long Message with expressions of confidence in the wisdom and patriotism of Congress.

The proceedings of this prolonged session were not of the same interest as those we have of late had to record. The Bank occupied a smaller share of the attention of the Legislature, coming under it chiefly in an incidental manner, as the Expunging Resolution was advocated by Benton, and the Regulation of the Public Deposits was discussed by the Senate. Ingersoll thus relates the issue of the latter subject.

"On the 23rd of June, 1836, Congress by large and eager majorities, in both Houses, [for in the course of this session, the filling up of vacancies in the Senate gave the Administration a majority there, as well as in the House of Representatives ; and the effects were not slow in appearing ;] passed, and President Jackson approved, an Act to regulate the Deposits of the Public Monies in the State Banks. That fatal Act superadded direction to deposit all the surplus beyond five millions of dollars in the Treasury of the United States, on the first day of January, 1837, with the States pledging their faith to keep safe, and repay the said monies, from time to time, whenever required ; [in proportion to their several representations in Congress ;] pursuant to which Act, thirty-seven millions of dollars, so called, that is, credit to that amount, were transferred from the national Treasury to commonwealths greedy of gain, and who will never repay. By the same Act Congress required the Secretary of the Treasury to select and employ such State banks for depositories of the money of the United States, as redeemed their notes in specie on demand, and issued none for less than five dollars.

"By that widest and wildest of all such departures from the spirit of the Federal Constitution, all experience, and the whole science of currency, it was imagined that a better substitute than the Bank of the United States was provided for these vital functions of national government, for which the wise organic Act of 1789 provided, by the establishment of the Treasury, and from which every departure since has proved calamitous, even by national banks, but infinitely more so by State banks."

As for the United States' Bank itself, a fortnight before the expiration of its charter from Congress, at the cost of two millions in the form of a *bonus*, it obtained from the legislature of Pennsylvania a charter as a local bank of that State, with its original amount of capital,—thirty-five millions of dollars. But its *prestige* and power had departed, and the issue of this experiment, which will be recorded in another chapter, will show conclusively how unwise and impolitic are such political interference with commerce and money, as we have seen both the President and the Congress guilty of towards the Bank,—and such political intriguing, as we have seen the Bank resorting to, in the vain hope of defending itself against the attacks of the government.

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In the form of an amendment to this Deposit Regulation bill, Webster proposed, but in vain, and we cannot regret that it was so, the distribution of the surplus revenue amongst the several States, in proportion to their population. Henry Clay had, early in the session, reintroduced his bill for distributing the proceeds of the public lands amongst the States, which, though it passed the Senate, failed in the House. The Regulation bill placed the surplus (and it proved to be more than twenty-eight millions of dollars in amount) rateably in the hands of the persons authorized by the States to receive it, to be held by them, and used, but not to be charged with interest, and with no expectation that it would ever be recalled. Happily, in one aspect of the matter, the pecuniary difficulties of the government in 1837 prevented the deposit of the fourth instalment with the States, and thus that part of the surplus was preserved to the Union.

The inevitable consequence of the overthrow of the National Bank, and this distribution of capital amongst the States, was the creation of new banks with nominal capital, and the nominal increase of the capital of those already existing;—which signified nothing but the indefinite increase of the quantity of paper money, representing no solid capital, and entirely inconvertible, with which the whole country was already deluged. How the law forbidding the issue of small notes was violated and evaded, we do not need to inquire; of the fact we cannot doubt; especially when we learn that “some of the banks were acquiring such influence, as almost to threaten defiance to the laws.”

Nor were these the sole evils which were the offspring of this derangement of the old state of things. Speculations of the wildest character were set on foot, especially in the form which the circumstances of the country most readily invited—the purchase, and settlement of unappropriated land. A picture from one part of the Union, within the limits of the anciently settled parts, will serve as an illustration of what was to be seen in every section of the land.

An eye-witness wrote at this very time, thus: “If any one should make a map of the lands lying within a distance of thirty or forty miles from New York, and embrace in it all the improvements projected or actually existing, the spectator, who does not know the true condition of the country, would be astonished at the appearance of the dense population which it would present. Cities, towns, and villages would be represented as scattered round him at every step. The intermediate slips of unoccupied ground would

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hardly seem large enough even to furnish pasture for the stray cattle of the surrounding towns, much less to supply their inhabitants with all the necessary products of agricultural consumption. We hear no more of a farm being sold as a farm in the neighbourhood of the city. The land is all divided into lots of one hundred feet by twenty-five; and it would seem as if, in the visions of speculators, a dense city must soon extend from the Atlantic Ocean to the Lakes, and from the Hudson River to the borders of Connecticut. No scheme seems too vast to stagger the credulity of the people. The most impracticable plans are received as easy of execution, and the most stupendous projects are entered upon with undoubting confidence. No one seems to anticipate that there must come a time, when the fabric, which speculation is building up, must fall on the heads of the projectors and overwhelm them. A general infatuation has seized upon the minds of the community. The speculators, meantime, in imagination, are all getting rich. One buys the refusal of a piece of land for more than it is worth. Before the time of payment has arrived, he sells it to another at a large advance; the second sells it to a third; the third to a fourth; and in this way it passes through perhaps a dozen hands, before the first instalment of the original price has been paid. Each successive purchaser fancies himself rich, and the one into whose possession the property falls last has magnificent plans in prospect, and thinks he is the richest of all. But pay-day must come, and come ere long, we fear, to many an unprepared speculator, and rudely wake him from his dream of fancied wealth."

Another well-informed writer tells us that, "To carry on speculations, which were supposed to hold out almost unbounded expectations of profit, it was quite immaterial what rate of interest was paid for the money employed in them: two *per cent.* monthly, on what was considered undeniable security, was currently paid. Hence, too, arose great eagerness to borrow money in Europe, and much indifference to the terms on which it was to be granted, for the use of the speculators, to whom the old-fashioned rates of four or five *per cent. per annum*, in sober and well-regulated communities, appeared absurd and contemptible. Such a market, likewise, being presented to European capitalists, produced a large abstraction of capital from Great Britain, and in want of sufficient power on the part of the Bank of England to arrest the movement on the other side of the Atlantic."

For another view of the consequences of these financial triumphs of Andrew Jackson, we may refer to the "eye-witness" quoted before; who wrote what we borrow from him (be it remembered) late in this year 1836, or quite early in 1837:—"The effect of this pervading spirit of speculation (or spirit of gambling of the most desperate character, as it might more properly be called,) on the morals of the community is dreadful. Its direct and manifest tendency is to blunt men's moral perceptions, and accustom them, by degrees, to acts and devices of traffic which an honest, unsophisticated mind would shrink from with horror, as frauds of the most flagitious dye. \* \* To this gambling spirit of the day we may directly trace the most of those prodigious frauds, the discovery of which has recently startled the public mind. 'Startled



the public mind,' did we say? The phrase is wrong. The public were not startled. They heard the stories with the most stoical indifference; and if any exclamations were uttered, they conveyed rather a sentiment of commiseration for the criminals, than one of detestation for their stupendous crimes. But the day of the madness of speculation is drawing to a close. The time must come, nor can it be remote, when some financial or commercial revulsion will throw back the stream of paper circulation to its source, and many a goodly vessel, which had ventured too boldly on the current, will be left by its reflux stranded on its shores. Circumstances may yet defer the evil day for a while, but it cannot be far off."

Internal improvements,—the patent laws,—the admission of Arkansas and Michigan, as independent and sovereign States, into the Union,—and the Military Academy, (against which the present President, Franklin Pierce, indulged in a speech which Benton has thought worthy of filling a chapter in his "Thirty Years' View,") were amongst the subjects of minor importance to which Congress devoted its time and labour now. There was one bill *Vetoed*; it fixed the time of meeting and adjournment of Congress, annually, to a day; and when examined by the eyes of the Administration, disclosed some unconstitutional provision, about adjourning to the second Monday in May, which "constrained" the President "to deny his sanction to it." Of the Cherokees' removal we shall speak hereafter.

Slavery also came before Congress again in this session, as a matter of formal debate; the President had, in fact, suggested it by that remarkable paragraph which we noted in his Message. But the response to that recommendation was not such as he had expected. It was made by Calhoun, who procured the reference of it to a select committee, the report from which was, in part, a revival of *Nullification*, and in part an attempt to stir up an embittered sectional hostility between the North and the South, on the question of the Abolition of Slavery! But the practical portion of the report was a bill, forbidding Postmasters to transmit through the Post in any State "certain papers," the circulation of which in such State was contrary to the laws. How "Nullification" could be asserted *apropos* of such a bill, it is not difficult to discover, for it is plain that the laws of any slave State *might* be rendered null and void by that Federal establishment, the Post Office, in the way hinted in the discussion of this bill. Yet it is as wonderful to find this view taken of it, as it is to find the President of a Democratic Republic recommending the attention of Congress to the subject at all. In the Message "the peculiar institution," and not the public convenience, was made the "final cause" of the Post Office; in Calhoun's report State sovereignty was similarly exalted above public convenience. In both *true democracy* was insulted and trodden under foot. We regret that we cannot regard the rejection of the bill as a denial of the right of the government—State or Federal—to use the Post Office for any purpose, not the convenience of the citizens and inhabitants of the United States. It is singular that we find Senator Benton, on this occasion, reprehending Calhoun for entertaining unworthy suspicions

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of the North anent their anti-slavery opinions, and for demanding the dissolution of their anti-slavery associations.

The general discussion of this abysmal subject was brought on by the presentation of memorials, praying Congress to abolish slavery in the district of Columbia. This was taken up by Calhoun and others in the same way as the question raised by the President had been,—apparently for the purpose of exciting anew the old animosity between the North and the South, on this insoluble problem of the domestic politics of America. And from this fact we may, in passing, collect the extent of the growth of Jacksonian Democracy in the North; for nothing but this could have made so astute a *politique* as Calhoun adopt such a line of conduct.

Upon the ground of the obligation of Congress to observe a strict neutrality with regard to slavery,—in spite of what has been said concerning the previous allowance of slavery in Columbia, we think this demand was fair. Congress was not committed against slavery by refusing to sanction it in Columbia, but it was committed for slavery by tolerating it there;—the “compromise” of the Constitution was, therefore, violated so long as slavery existed in the Federal District; and the Free States of the North were made partakers in the responsibilities of the Southern States, from which *at home* they had delivered themselves.

Nevertheless, at this period, not only did Congress declare that it would not at all interfere with the slavery in Columbia, thereby declaring that the Southern States, alone, were “the government” of the District; but also resolved to lay upon the table, without printing or reference, or taking any action whatever on them, all petitions, &c., “relating in any way to the subject of slavery, or the abolition of slavery!”

It was in connexion with this resolution that there occurred in the House of Representatives a memorable scene. John Quincy Adams, during the debate, rose and addressing the speaker said,—“I hold in my hand, Sir, a paper purporting to be signed by *slaves*; will it be in order, under the rules of the House, to present it?” A perfect storm immediately arose; the indignation of the Southern men, and of the pro-slavery Northerners, knew no bounds. Resolution after resolution, denouncing expulsion and censure, were hurled at the old man, mingled with threats of personal violence and assassination. At length in a lull of the tempest Adams explained, that all the resolutions had assumed that the petition was one from slaves *against* slavery, whereas it, in fact, prayed for the continuance of slavery, and the expulsion of himself and other abolitionists from the House. This did not decrease the rage of the pro-slavery men; and *for three days* they continued this furious debate, which resulted in a resolution, a “compromise” as usual, asserting that slaves had no right to petition, and that any attempt to present a petition from slaves would be disorderly, and in direct violation of the Constitution.

The fact was believed to be this: some slaveholders got up this petition merely to insult Adams, and to show that he dare not keep his word, for he

had always declared that he would present any petition whatever, that was intrusted to him. Detecting the trick, he asked if a petition *purporting* to be from slaves might be presented, and thus led the slaveholders themselves into the trap; leaving them (by way of consolation) to menace him with murder, and to rave about "dignity of Congress."

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Congress was also called upon to consider this dangerous and exciting topic in connexion with the admission of Arkansas; and with a change in the boundary line of Missouri, effected through Benton's exertions, he assures us; which was "accomplished," as he writes, "by the extraordinary process of altering a compromise line, intended to be perpetual, and the reconversion of soil, which had been slave and made free, back again from free to slave." And he gives lively expression to "the gratitude, which all felt to the Northern members, without whose aid it could not have been done:"—a "gratitude" which ought to awaken some reflections amongst those same Northerners, we think.

"This chapter," says our Missourian Senator of that numbered a hundred and thirty-five, in his "Thirty Years' View," "has been copious on the subject of slavery. It relates to a *period when a new point of departure was taken on the slave question*; when the question was carried into Congress, with avowed alternatives of dissolving the Union; and conducted in a way to show that dissolution was an object to be attained, not prevented; and this being the starting point of the slavery agitation, which has since menaced the Union, it is right that every citizen should have a clear view of its origin, progress, and design. From the beginning of the Missouri Controversy, up to the year 1835, the author of this 'View' looked to the North as the point of danger from the slavery agitation; since that time, *he has looked to the South for that danger*. Equally opposed to it in either quarter, he has opposed it in both." This, *mutatis mutandis*, will apply to our own observations; and, as the testimony of a staunch pro-slavery advocate, deserves not a little consideration.

On the 4th of July, 1836, Congress rose; on the 11th of the same month, a circular was issued by the Secretary of the Treasury, "by order of the President," instructing the receivers of public money to take silver and gold alone (with the sole exception of "Virginia landscrip") in payment for the public lands. It had been attempted, by means of Benton, to secure this object by a joint resolution of the two Houses of Congress; but the Senate refusing to entertain the proposal, it was left to Jackson, on his own sole personal responsibility, to put this finishing stroke to his practical hostility to the United States' Bank; and hence came this "Specie Circular."

No doubt can be entertained, that the unprincipled conduct of the speculators, whose exploits we have already spoken of, afforded an amply justifying reason for this proceeding,—even if the sums in the Treasury, reported in the President's Messages as "not effective," (which meant bank paper, all of which was temporarily, and a good part permanently, quite valueless,) had not come to be counted by the million! Nor can there be any doubt, that so



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far as the Bank of the United States intentionally supported the vicious Banking system which was then all but universal in America, it deserves to be regarded as to blame for the consequences which followed. But these things notwithstanding, it was a patent and undenied fact that the overthrow of the National Bank, and the substitution of local banks of deposit for the public monies, together with the panic and the diminution of credit, the commercial distress, and the other concomitants and consequences of the President's persevering and triumphant warfare against that *imperium in imperio* which rivalled "the government" in authority,—had generated the speculations which gave occasion for this severe surgery.

The immediate effect of this order was necessarily to make specie abundant in the States where the purchasers of public lands were most numerous; and to make it scarce in the old Atlantic States, where trade and commerce were most active, and specie was most required. It did unquestionably check the operations of the speculators; but at the same time, and in a more disastrous degree, it embarrassed those of the manufacturers and merchants. Its ultimate consequences will come under consideration in another page.

Before Congress reassembled, the election of President for the next following term of office took place; and the results may be presented here, although not authoritatively made known to the country till some time after. The sole hope of the Opposition was to throw the choice into the hands of the Representatives; and in this they were encouraged by the division in the Democratic camp. Nevertheless, they were deceived; and although the candidate of the principal section of the dominant party shone only by light borrowed from General Jackson, he yet achieved a brilliant victory.

Martin Van Buren, the Jackson candidate, received all the votes of Maine, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina, Alabama, Mississippi, Louisiana, Illinois, Missouri, Arkansas, and Michigan; together, (if the three votes of the last-named State are counted, for it was not really a member of the Union at the time,) a hundred and seventy votes. General Harrison received the votes of Vermont, New Jersey, Delaware, Maryland, Kentucky, Ohio, and Indiana; seventy-three in all. Tennessee and Georgia gave their twenty-six votes to Hugh L. White; Massachusetts bestowed its fourteen on Daniel Webster; and South Carolina its eleven on W. P. Mangum. Thus Jackson had the satisfaction of seeing his chief adviser and disciple appointed his successor in the President's chair.

For the Vice-presidency, Colonel Richard M. Johnson had all the votes given to Van Buren, except those of Virginia; his total being a hundred and forty-seven. Francis Granger received those of Vermont, Massachusetts, New Jersey, Delaware, Kentucky, Ohio, and Indiana; seventy-seven in all. Maryland, South Carolina, Georgia, and Tennessee gave their forty-seven votes to John Tyler; and Virginia its twenty-three to William Smith. Thus no election was made for the Vice-presidency; and this having been declared, when the ballots were opened and the votes counted, the Senate proceeded to

elect one of the two highest on the poll, and made choice of Richard M. Johnson, by thirty-three votes against sixteen given to Francis Granger. No vote was given by South Carolina on this occasion.

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Van Buren's majority, reckoned by the amount of the popular vote, was seven hundred and sixty-two thousand one hundred and forty-nine, against seven hundred and thirty-six thousand seven hundred and thirty-six, given to all the other candidates.

The second and final session of the twenty-fourth Congress commenced on the 5th of December, 1836. The Message, read on the next day, began by congratulating the Legislature on "the high state of prosperity which our beloved country had attained;" and, after dwelling briefly on the foreign relations of the Union, proceeded to state the position of the national finances. The receipts for the year were declared to be something less than forty-seven millions and three-quarters, and the expenditures about thirty-two millions; so that the balance in the Treasury at the following 1st of January would be considerably above forty-one millions and a half of dollars; the whole of which, with the exception of five millions, would be transferred to the several States according the provisions of the Deposit Regulation Act. And there seemed to be coming very speedily "a necessity to use a portion of the funds deposited with the States." Against this distribution of the surplus the Message then argued at length, and most reasonably. "The safest and simplest mode of obviating all difficulties," it said, "is to collect only revenue enough to meet the wants of the government, and let the people keep the balance of their property in their own hands, to be used for their own profit."

For the last time, the President "took up his burden" against the Bank; discussing it now with relation (more or less closely observed) to the question of a metallic or a paper currency. "The Specie Circular" was defended, and, unfortunately for his skill as a prophet, he spoke of the "happy consequences" which were to ensue. The operation of the local banks as "fiscal agents for the government" was lauded, and extolled above that of the Bank of the United States, in much the same vein as the managers of a township might extol the simplicity and economy of their proceedings, when compared with the expensive and complicated system which had its focus at Washington. The re-chartering of the Bank as a State-corporation, and its attempt to continue living after he had fully believed its death certain, was spoken of by Jackson in the tone of an injured and insulted man; and Congress was invoked to put forth all its powers to kill the snake which had proved to be but scotched by the former attacks of the government.

Indian affairs and a little war against one of the southern nations; the interference of the United States in the affairs of Texas; and some brief notice or suggestion respecting almost every other department of public affairs and offices, occupied the remainder of the Message; which concluded with the expression of thanks to "the great body of his fellow-citizens, in whose partiality and indulgence," the President said, "he had found encouragement

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and support in the many difficult and trying scenes through which it had been his lot to pass during his public career."

An energetic attempt was made this session to rescind the Treasury Circular respecting specie payments for land sales. A resolution to this effect having been referred to the committee on public lands, a bill was reported, purporting the designation and limitation of the funds receivable for the revenues of the United States, and, in fact, providing for the reception of the notes of specie-paying banks, in certain cases. Benton, the "hard-money" Senator, vehemently opposed it, but it passed by an overwhelming majority,—forty-one against five. In the House an attempt was made to amend it, so as to save the "Specie Circular," but it failed; a hundred and forty-three Representatives voted for the bill as it came from the Senate, and only fifty-nine against. It was the last day but one of the session before it was sent to the President, who did not hesitate to dispose of it, by retaining it after the adjournment of Congress; to the boundless joy of Benton who in spirit beheld him "covered with the plaudits of a *preserved* and grateful country," in consequence.

But Benton accomplished one object that lay near his heart, in a less reprehensible manner. In spite of all opposition, by the might of the clear majority of partisans of the Administration in the Senate now, he obtained a majority of five in favour of *expunging* from the journal of the Senate the resolution of March the 20th, 1834, condemning General Jackson for removing the Deposits. It was on the 16th of January, 1837; and Benton, in the exultation his success had inspired him with, displayed in an unusual degree that Western fervour which so strongly characterized him. We follow his own account.

When the Secretary of the Senate brought the journal and in the sight of the Senate proceeded to draw a square of broad black lines round the offensive resolution, and to write across in the words, "Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837:"—a storm of hisses, groans, and vociferations broke forth from that part of the gallery which was over Benton's head,—or it might be from all parts of the galleries. Some of Benton's brother Senators, expecting some manifestation of feeling from the sullen and menacing looks of the spectators, had sent out and brought in arms! As soon as the hissing began, the chairman ordered the galleries to be cleared; but Benton opposed the order, and hoped that the sergeant-at-arms would be directed to enter the galleries and seize the *ruffians*, and bring them to the bar. "Let him seize the Bank ruffians. Here is one just above me that may easily be identified—the Bank ruffians!" One was accordingly seized and brought to the bar, for in the haste and excitement it was not seen that the Senator was *une tête montée*, for the moment; but he was discharged without much ado, or even being allowed to give his name.

"The gratification of General Jackson was extreme. He gave a grand dinner to the expungers (as they were called) and their wives; and being too weak to sit at the table, he only met the company, placed the 'head ex-



punger' in his chair, and withdrew to his sick-chamber. That expurgation! it was the 'crowning mercy' of his civil, as New Orleans had been of his military, life."

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No fewer than five different motions for distributing the surplus revenue were made and discussed in Congress; the only one which was near succeeding having been attached to the Fortification bill, by way of amendment; but it failed ultimately, through the disagreement of the Houses, the Fortification appropriations being lost too. So that, as Benton says, "in this direct issue between the plunder of the country and the defence of the country, defence was beaten."

Other measures passed, but they do not require notice from us here. The twenty-fourth Congress expired, simultaneously with the Administration of General Jackson, on the 3rd of March, 1837. In imitation of the first President of the United States, he issued a "Farewell Address," in which he warmly thanked his fellow-citizens for their confidence and support, and earnestly counselled them to maintain the Union inviolate, and to observe the laws faithfully. "The Constitution," said he, "cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the paternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union." But he applied these remarks so as to make them bear upon the opposition of the North to slavery, instead of upon slavery itself,—which, as he well knew, was, as it is, a permanent conspiracy against the tranquillity of the Union. Notices of the Tariff and the surplus followed; and then a disquisition on the currency, showing the evils of paper-money, and including another onslaught upon the Bank. Next in order came a brief reference to foreign relations, and the wisdom of the carrying out a well-planned system of coast defences. And a few words of friendliness, with congratulations regarding the country, cautions respecting the foes to liberty, and some remarks personal to himself, closed this document.

We have bestowed an apparently disproportioned space upon the recital of the story of Jackson's Administration; but it has been purposely, for it was the beginning of a new stage in the progress of the United States, and the seeds of much that has since happened and of more yet future lie in the transactions of those eight years. After we have reviewed the Administration of Van Buren, which was a mere appendix to Jackson's, and the foreign relations of the Union under these Presidents, and have seen how the various parts of the Union were affected by the policy of the Federal government, and

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worked out the problems imposed on them severally by position, natural productions, and other circumstances, we shall be in a better position to judge of the influence of Jackson's rule upon the country. And we will not attempt to sketch it here.

But of Andrew Jackson himself, as he has appeared in the management of the domestic affairs of the Union, we can form no other opinion than that we have not obscurely intimated, as we have proceeded with our account of the transactions of his government. A statesman he cannot be called, nor was he a President who at all realized the ideal of the Executive under the Constitution. He was as little of an economist as of a politician. And yet he has been looked up to by the vast majority of all who have been since his time, as one of the greatest Presidents and greatest men that ever illustrated the Western World. He was a man of small grasp of mind, but intensely practical, and still more energetically dictatorial, and intolerant of the very appearance of a traversing of his desires. Every matter with him was *personal*, and so a man or an institution might be regarded as an enemy without being aware of it; and he never ceased to pursue, so long as the shadow of means or opportunity remained to him, those whom he thus esteemed.

He undoubtedly checked the growth of the power of Congress, and put down the pretence of a higher sovereignty in the States separately than in the Union; but he largely encouraged that kind of individual sovereignty in the citizens, which has made the laws the sport of mobs and majorities; and he introduced that extension of Jefferson's theory of the uses of office, which has since served, more than any or all other causes, to embarrass the acts of the government of the United States both at home and abroad. It is, beyond a doubt, a good thing for the Americans to regard him as their hero and pattern-man rather than Jefferson; for there is a simplicity and straightforwardness about him, and an amount of courage and manfulness, which the "Sage of Monticello" never possessed. But if the character of a nation be at all moulded by its hero worship, so that it is a question of infinite practical moment, who its heroes are; then we confess that we shall hail the day as one of a new birth for America, when forgetting all who like Andrew Jackson are great men only because not so little as the millions round them, she shall "return to her first love," and give the free and generous homage of her heart to him who almost alone of modern men has been proclaimed a hero by every nation,—whose name alone is a vindication of the war of Independence,—and whom it is, hitherto, her greatest boast to have produced,—  
GEORGE WASHINGTON.

## CHAPTER II.

PROGRESS OF THE UNION UNDER VAN BUREN'S PRESIDENCY.—MONETARY AND MERCANTILE EMBARRASMENTS.—A NEW PARTY IN OPPOSITION.—THE INDEPENDENT, OR SUB-TREASURY SCHEME.—OPENING OF THE TWENTY-SIXTH CONGRESS.—MOVEMENTS AND COMBINATIONS PREPARATORY TO THE ENSUING PRESIDENTIAL ELECTION.—BREAK-DOWN OF THE REFORM AND RETRENCHMENT POLICY.—ELECTION OF GENERAL HARRISON.

MARTIN Van Buren was raised to the Presidency solely by virtue of his faithfulness to the cause of his predecessor. He had tenaciously adhered to the *person* of General Jackson, and had "suffered" in consequence. He had been the chief of "the Cabinet improper," whose inspirations had directed the last President's conduct in respect of public affairs. He was early designated as "successor;" by the Opposition and by himself, however, before he was by the party and its chief. And, at last, it was evident that Jackson's overwhelming influence, alone, carried him safely through the election. His Administration was merely a supplement to that of Jackson, and it afforded the opportunity that was wanted to test the financial "Experiment" of local banks of deposit instead of a national bank, and to complete that costly and improvident episode in United States' history. On this account (for the principles developed and illustrated have all come under notice before,) we shall greatly condense our narrative at this point; and both our space, and our having to speak of the actions of men yet living, will impose upon us the same necessity of limitation for the future.

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Jackson remained at Washington to witness the inauguration of his successor, (in this respect imitating Jefferson, as John Quincy Adams had copied his father;) the General conveying the new President to the Capitol in his phaeton, made from the wood of the frigate *Constitution*,—a fact significant of much,—for there was no state-carriage provided. The ceremonies were the same as those we have described on occasions of former inaugurations; the Address was delivered "in clear, impressive tones, and in an easy and eloquent manner;" and Chief-Justice Taney administered the oath. "There," said the Ex-president, "is my rejected minister to England sworn as President by my rejected judge of the Supreme Court!"

Of himself the President spoke, as the first in that position of the second generation, he having been born about the time when the Treaty of Versailles was negotiated. The institutions of America were warmly eulogized; taxation, self-government, war, extension of territory, the conflict between State and National authorities, and slavery, being referred to in turn, as trying and



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demonstrating the stability of the Union. But the records of the Legislature scarcely bear out his assertion that the slavery question, "never, until the present period, disturbed the tranquillity of our common country." We have heard of a "Missouri compromise," for instance; and indeed no other question had so frequently and so fiercely been debated in Congress. In connexion with this subject, the President gratuitously, as it seems, (until we take into consideration the weakness of his personal position, which naturally made him anxious to conciliate as far as possible the Southern interest;) repeated a pledge he offered during his canvass to this effect,—“I must go into the Presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the district of Columbia, against the wishes of the slave-holding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists.”

He also gave the following pledge,—“The principle that will govern me in the high duty to which my country calls me is a strict adherence to the letter and spirit of the Constitution, as it was designed by those who framed it.” And after expounding the “foreign policy” of the Union according to Washington’s views, and eulogizing the Ex-president, he concluded with the invocation,—“May it be among the dispensations of Providence to bless our beloved country with honours and with length of days; may her ways be ways of pleasantness, and all her paths be peace!”

Little change was made in the *personnel* of the Cabinet, or in the office-holders throughout the country; Jackson’s “reform” had made it unnecessary to do anything in the way of removals, and the substitution of Joel R. Poinsett as Minister of War in the place of General Cass, whom Jackson had appointed ambassador to France, was all that was needful to complete the staff of the government.

We related in the former part of our story how Jefferson, having fomented war with Great Britain, and rendered it inevitable, handed over the reins of government to his successor just in time to rid himself of the actual responsibility of commencing hostilities, and of the odium of being regarded as the parent of the war. It happened similarly with Jackson and his successor; the disastrous issue of the implacable hostility wherewith the former pursued the Bank of the United States, until he had deprived it of its position, ruined its credit, and thrown upon it, in the general esteem, the guilt of whatever might result from the indulgence of his reckless animosity,—this was left to signalize Van Buren’s Administration, and to make his name painfully memorable in America.

Scarcely had he realized the fact that he was the first man in America, than the storm burst over the country. It had been evidently approaching ever since the “Specie Circular” had come into full operation; the Surplus Distribution scheme accelerated its coming. In the latter part of the last session of Congress under Jackson, New York petitioned the Senate for the establishment of a National Bank, and Webster, who advocated the petition, whilst he

stated his own determination to abide by his resolution "not to make any movement towards the establishment of a national bank, till public opinion should call for it," stated that fourteen or fifteen hundred mercantile houses in the city of New York had in it set forth their opinion that this "was the only remedy of a permanent character for the correction of the evils then affecting the currency of the country and the commercial exchanges." Benton spoke of an explosion as being imminently near, in consequence of the use of paper-money instead of specie, and forgetting that paper-money had been in use so many years without any such explosion, no such policy as Jackson's having annihilated its credit.

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New Orleans was the place where the first failures of importance occurred, but at New York similar suspensions followed immediately. Two hundred and fifty houses stopped payment in this city, during the first three weeks of April. In two days houses in New Orleans, owing an aggregate of more than twenty-seven million dollars, stopped payment. One house alone was indebted to the amount of fifteen millions! The demands upon the banks rose with frightful rapidity, and (which was more ominous) they could not keep their notes in circulation. The alarm grew to be a panic; then came a general run upon the banks; on the 3rd of May a numerous meeting at New York appointed a deputation to proceed to Washington and request the President to rescind "the Specie Circular," to defer commencing suits upon unpaid bonds, and to call an extra session of Congress; and the committee stated that, "under a deep impression of the propriety of confining our declarations within moderate limits, we affirm that the value of our real estate has within the last six months depreciated more than forty millions of dollars; \* \* that within the same period a decline of twenty millions has occurred in our local stocks; \* \* \* that within a few weeks not less than twenty thousand individuals, depending upon their daily labour for their daily bread, have been discharged by their employers because the means of retaining them were exhausted; and that a complete blight has fallen upon a community heretofore so active, enterprising, and prosperous;"—on the 10th of the same month *all the banks* in that city, by common consent, stopped payment in specie, and agreed to receive each other's notes in payment of debt and deposit;—and on the 16th the New York Legislature passed an act authorizing the suspension of specie payments by the banks of the State for a year. To such a height, and so rapidly, did the embarrassment grow.

As soon as the resolution of the New York banks was known, the banks of the principal places in New England, Pennsylvania, Maryland, &c., adopted the same determination. The United States' Bank itself (now only a State bank, and powerless as the other establishments of its class) "bent to the tempest, in self-defence imitating the example of the rest." "One sentiment pervaded all classes of the commercial world,—the anticipation of universal ruin, and individual beggary."

Foremost amongst the causes of this unexampled distress was the "Specie Circular;" the necessary results of which were, that the banks could not

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possibly extend their line of discount, and that they were compelled to begin to call in their issues. Another cause was the distribution of the surplus revenue amongst the States, especially on account of the manner in which that operation was accomplished. The local banks, which had been selected as banks of deposit, had regarded the public monies deposited with them as in fact an addition to their available capital; for it never occurred to them that they would be recalled until the exigencies of the public service should require them. They had therefore increased their loans, and it was by no means an easy task to call these in again. In addition to which they were compelled to keep hoarded in their cellars a vast quantity of coin, which, under then existing circumstances, would have been far better employed by being put into circulation. For, being obliged to furnish the Secretary of the Treasury with weekly statements of the amount of specie in their possession, they feared, reasonably enough, that any diminution of the customary amount might occasion the immediate demand for the whole of the public funds deposited with them.

Another cause of this commercial embarrassment was said to be the excessive importation of commodities from Europe; and the weakening of the credit of the American merchants made it necessary to pay in specie—to the great aggravation of the trouble under which the great trading places lay, which were thus subjected to a double drain, one inland to effect the purchases of public lands that continued to be made there, the other over the ocean eastward to meet the bills of the exporting houses in London.

Besides New York, other commercial towns and cities petitioned the President to revoke the "Specie Circular," and to summon an extra session of Congress. In respect of the former of these prayers, Van Buren soon showed that he had no intention to depart from the course pursued by his predecessor, but, on the contrary, to carry out the "hard money" system into all the relations of the Federal Treasury. He was very unwilling to yield on the other point; but, finding by the general suspension of specie payments, that the time was most critical, on the 15th of May he issued a proclamation calling Congress together on the first Monday of the following September, on account of "great and weighty matters claiming their consideration:"—the interval sufficiently showing how little he appreciated the urgency of the condition of the country, in comparison with his anti-bank and anti-paper-money theories.

As soon as the suspension of specie payments was universally resorted to, the Secretary of the Treasury issued orders to the collectors of the revenue of the United States, to receive nothing but specie, or paper actually convertible into specie on demand, in payment of the revenue bonds given by traders in the course of business. At first this greatly increased the difficulties and anxiety of the mercantile classes; but eventually it operated as a kind of relief, by affording them an excuse for withholding payment for a while; the government could not insist upon punctuality, nor resort to any cogent measures for enforcing payment, in the position of the monetary affairs of the



country at that time. And it is said that not more than five *per cent.* of this money was paid to the collectors at the time it became due ; so that "in point of fact the importers must be considered to have received accommodation from the Treasury, by the amount of this difference."

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This delay in the payment of the revenue was, however, calculated very seriously to embarrass the government in its turn, which would still further have endangered the nation. The Secretary, therefore, very naturally looked to the surplus yet remaining, which (according to the Act of the previous Congress) was to be distributed amongst the States in the ensuing October. If Congress would consent to the diversion of this from its original destination—and it might rightly do so, because the sums distributed were called *deposits*, and might legally be immediately recalled—the difficulty could be easily surmounted; and in the full anticipation of its consent, as the money itself could not prudently be taken from the local banks which held it, *Treasury notes* were issued to circulate until this fund should be available.

By the Bank party these troubles were, of course, referred to the proceedings of General Jackson, and were pointed to as proof of the financial errors of his Administration. There can be little doubt that the greatest amount of the blame does belong to him and to his advisers ; but the accusation now only rallied the Jackson men round the memory of their chief and in support of his successor. About the end of May many meetings were held to express this feeling ; and commercial men of the party not only energetically declared their unshaken confidence in Van Buren, but approved (with vehemence) his avowal of "uncompromising hostility to the Bank of the United States ;" and resolved that the existing distress arose, "not from the refusal to re-charter the United States' Bank,—not from the removal of the deposits,—not from the issue of the 'Specie Circular,'—but from a wild and unrestrained spirit of speculation and over-trading, encouraged and assisted by banking facilities, offered to the few, to the injury of the many." For they did not perceive that this very "speculation," and these "banking facilities," had grown out of Jackson's triumphant anti-bank warfare.

Van Buren himself joined in the defence of the Jackson policy ; and put in circulation various letters,—purporting to be private, but written for effect on the public,—attacking "the mercantile aristocracy." Nay, in his too great zeal, he did not spare the deposit banks themselves. We know that Jackson designated the employment of them an experiment, and that he was in favour of a government bank ; but he eulogized the operations of the local banks continually, and in his last Message especially said of them,—  
"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the government, at the time of the removal of the deposits." And he even compared their transactions favourably, in the particular of "domestic exchanges," with those of the United States' Bank itself. But Van Buren accused them, ere half a year had well passed, with "base treachery and perfidy," unparalleled, he said, "in the history of the world ;" and all "purely with a view of

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gratifying Biddle and the Barings." Major J. Downing assuredly did not exaggerate matters in his famous "clincher;" and we only regret that his attachment to "the Gineral" forbade his association with his successor as part of "the government." The obscurity of years speedily beclouds some events, and the records of clear contemporary insight become of unspeakable worth for historic purposes.

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At length, on the 4th of September, the twenty-fifth Congress met for its first, or extra, session; and people watched with no little anxiety the issue of the first trial of strength in the election of a speaker. The candidate of the Administration party, James K. Polk, was elected by a majority of a hundred and sixteen votes against a hundred and three received by John Bell. Five votes were "scattered" and so lost. This gave hopes to the Opposition, as it showed a considerable diminution in the strength of Jackson's men in the House; but this was greater in appearance than in reality, for it had arisen in good part from the votes of a small number of Representatives, who, though agreeing in the main with Van Buren, "were favourable to banking institutions, and the preservation of the credit system, as applied to the transactions of the business community."

This small party, as the policy of the Administration was more clearly disclosed, and proved to be only supplemental to that of the foregoing Administration, and to be based upon the highly erroneous impression, that the prosecution of Jackson's hostility to the Bank was the essential task of the government; compared with which the well-being of the nation was of small account;—as these members of the Democratic party gradually perceived this, they separated themselves more and more from the Administration, and at last organized themselves as an independent Opposition party, under the title "Conservatives;" in which character they exercised considerable influence in the elections in some parts of the country. But eventually, being unable, owing to their want of numerical strength, and the absence of any clearly marked distinction between themselves and the Whigs on one side, and the Administration on the other, to maintain their original position, the greater number of them joined the Whig party, and went into complete Opposition.

In his Message the President exactly justified the remarks we made regarding his delay in summoning Congress for this extra session. He spoke of the financial condition of the country exclusively; but he held out no hopes of relief for its embarrassments through the action of the Legislature. The distress he ascribed mainly to over-trading speculation, fostered and stimulated by the banks; and laid more stress than his own belief could have justified upon the effects of a great fire at New York, in accounting for the troubles of the commercial class. "The doctrine was advanced in the Message, that all the government could do, or designed to do, was to take care of itself; and that it could not be expected to legislate with reference to the monetary concerns of the people." And this, it must be confessed, after all that the government *had actually done*, in the way of legislative interference with

the monetary concerns of the people,—for what else was Jackson's Bank war?—seems rather hard.

His recommendations were for the most part general,—Congress should regulate the safe keeping and disbursement of the public monies;—should prescribe the terms of indulgence, and the mode of settlement to be adopted, both in collecting from individuals the revenue that had accrued, and in withdrawing it from former depositories;—and should devise measures for reviving the enterprise and prosperity of the country. His views of the Bank question, he declared, were unchanged;—but, although he did not say so, he showed that his opinions on the system of depositing the public money in the State banks were very different from those of his party generally, under Jackson's Administration. The most important recommendation, however, was—that the government should for the future keep its money in its own hands, by the instrumentality of the scheme of a Sub-treasury, or, as it was called by its supporters—the Independent Treasury; so that there should be an entire and total separation of the business and funds of the government from those of the banks.

Further, the President stated the aspect of the Treasury at the time, the indulgence granted in the payment of bonds for duties, the amount of surplus now waiting to be distributed, and the plan for applying it to existing exigencies, by means of Treasury notes, to be gradually redeemed as it should be received from the local banks. The reason he assigned for “refraining from suggesting to Congress any specific plan for regulating the exchanges of the country,—relieving mercantile embarrassment,—or interfering with the ordinary operations of commerce,” was one which ought to have restrained him from counseling Jackson to attack and overthrow the Bank. Had it been acted upon throughout, no fault could have been found with it.

“All communities,” he said, “are apt to look to government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so; especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent Constitution, and the people who approved it with calm and sagacious deliberations, acted at the time under a sounder principle. They wisely judged that the less government interferes with private pursuits, the better for the general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favour of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty,—that duty, the performance of which makes a good government the most precious of human blessings,—is to enact and enforce a system of general laws commensurate with, but not exceeding, the object of its establishment, and to leave every citizen [not being a person of colour;] and every interest [except that of a National Bank!] to reap, under its benign protection, the reward of virtue, industry, and prudence.”

As soon as business was opened, a second trial of strength was held on the

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appointment of printer to Congress. On this the votes were so much scattered, that none of the candidates at first obtained the absolute majority required by law. But after repeated ballotings, the candidate put forward by the "Conservatives" was found to have received the necessary number of votes. This, for the time, greatly enhanced the influence of the "Conservatives," who, being only about twenty in number, could not in ordinary circumstances effect more than the obstruction of business they were opposed to.

The finance committee of the Senate presented four bills in their House ;—one for suspending the payment of the fourth instalment of the surplus revenue to the States ;—a second for authorizing the issue of Treasury notes equal to any deficiency which might be felt in the Treasury, with an addition of four millions of dollars, by way of reserve ;—another for the extension of the indulgence in the payment of revenue bonds ;—and a fourth for the organization of the Sub-Treasury system.

Great excitement both in the country and in Congress arose out of the last proposal. The entire Opposition, and even the political adherents of the President, who were interested in or in favour of banks, looked upon it as an attack upon the credit system ; and predicted, as the inevitable consequence of the adoption of the scheme, the destruction of all banks ; the disappearance of every circulating medium except metallic money, which (they correctly enough said) could not be sufficient for the uses of the trading and manufacturing classes of the commonwealth ; and a ruinous reduction of prices. The scheme was resisted by Henry Clay as neither desirable nor practicable, neither constitutional nor just, as contrary to the habits of the people and inimical to their liberties. He alone suggested the establishment of a national bank again ; the fears of the other leaders to endanger their position at the next Presidential election inducing them to withhold their support as if they distrusted their own convictions. The Bill therefore passed the Senate by a majority of twenty-six against twenty. But it was lost in the House by the combined votes of the Whigs and Conservatives, after a hot debate ; a hundred and twenty voting that it should be laid on the table, against a hundred and seven negatives. The defection of the "Conservatives," or "Talmadge and Rives party," had thus reversed the balance of parties amongst the Representatives, and placed the Administration in a minority. The government had made great efforts to carry this bill ; and though it was certain to be brought forward again, the rejection of it now was hailed as a triumph by the Opposition.

The first of the four bills introduced by the finance committee passed the House of Representatives, but with an important amendment. Originally it postponed the payment of that fourth instalment of surplus, "until further provision were made by law ;" but the Representatives substituted "the 1st of January, 1839," instead of that indefinite expression. Webster could only offer an ineffectual opposition to this bill in the Senate.

With respect to the Treasury-note bill, after it had been vainly resisted by

Calhoun in the Senate, a new question arose,—should the notes bear interest or not? A vote of one hundred and twenty-seven carried this in the affirmative, against ninety-eight; and it was left to the Secretary of the Treasury to fix the rate provided it did not exceed six *per cent*. The issue of ten millions Treasury notes was authorized, in the end; and the Secretary allowed two *per cent*. on them.

Other matters, such as the Currency, a Bankrupt Law, &c., were debated now; but the session answered the expectations neither of the government nor of the people. Whilst they who hoped that in consequence of the embarrassments the establishment of a national bank might be entertained, were discouraged by resolutions passed in both Houses, to the effect that it was inexpedient to charter a Bank of the United States. And on the 16th of October the extra session closed; and Congress adjourned to the beginning of December.

In the interim the State elections showed how deeply the panic had affected the strength of the Democratic party. Had Van Buren summoned Congress to that extra session at an earlier date, we entertain no doubt that he would not have had a coalized Opposition in the House, that outnumbered his own supporters; and had he shown any disposition to adopt measures of relief for the public, instead of limiting his concern to the share of the general distress experienced by the government, his cause might yet have rallied and recovered itself. But conjoined with the fact of the panic occurring under his rule, the determination he avowed and evinced to abide by the Jackson bank-policy, and even to carry it to lengths, short of which Jackson stopped, rendered the growth of the power of the Opposition certain, and the extension of his term of office, when the next election should come, impossible.

When Congress reassembled, on December the 4th, the President was able to give a more satisfactory account of the state of affairs. The balance in the Treasury at the commencement of 1837 he stated to be nearly forty-six millions of dollars, and the receipts of the year, inclusive of Treasury notes, to be twenty-three millions and a half; making a total of nearly sixty-nine millions and a half. Of this more than thirty-five millions and a quarter would be expended on appropriations made by Congress; so that the “nominal” balance in the Treasury, at the end of the year, would be somewhat less than thirty-four millions and a half: but owing to the fact that some of this had been deposited with the States, and other portions had not been recovered from the local banks, little more than a million of this amount was available. Consequently, he proposed to issue four millions and a half of Treasury notes; and such, he said, was the improvement in the outlook of affairs, that he anticipated the redemption within the current year of all the Treasury notes that had been issued; whilst, without resorting to loans or increased taxes, the resources of the year 1838 would, as he expected, prove amply sufficient to meet all the charges of the year.

The Message discussed the means of keeping the public money safely; and

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of course decided in favour of the Sub-Treasury scheme; but at the same time disavowing any intention of hostility towards the State banks, which, when "properly established and conducted," were pronounced "highly useful to the business of the country." Van Buren could not withstand the temptation to show himself a Jackson in little, by girding at the United States Bank, and hounding Congress on against it once more. The unhappy establishment, that did not at once sink to nothingness when the light of the President's countenance was withdrawn from it! According to its charter, it had, two years after its ceasing to be the National Bank, to wind up its affairs; and therefore it ought to disappear at the furthest at the beginning of the next ensuing March. But it had converted itself into a State bank, and was now not at all in a dying humour. This is represented by the President as "a fit subject for inquiry;" the interference with State-rights involved in such a questioning of the right of Pennsylvania to grant a charter to this institution, being forgotten or not cared for.

The disposal of the public lands is handled at great length; the defence of the frontiers, the military academy, and the manufacture of cannon and small arms; the removal of the Indians; the navy and the coast survey; the post office; and the desirableness of exacting bonds from all public servants, in army, navy, or civil service, "intrusted with the receipt or payment of public money; and whose term of service is either unlimited, or for a longer time than four years;"—occupy the remainder of the Message.

Chief of the matters discussed by Congress now was the Sub-Treasury bill; the interest taken in which, by both parties, has been regarded in Europe as so disproportioned to its intrinsic importance. "The object" of this bill, says the English "Annual Register" for the year 1838, "is merely to effect the discontinuance of State banks for fiscal purposes, and to place the general government, in regard to the essential points of the collection, safe-keeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; and at the same time to withdraw those monies from the uses of private trade, and confide them to agents constitutionally selected and controlled by law." The authorized accounts of the objects of this bill do, indeed, justify this statement: but there lay behind them, concealed from European ken, that which we pointed out as the mainspring of the attacks on the Bank, as Jefferson avowed, and as Jackson did not deny,—*official patronage*.

In the keeping of the United States' Bank the public monies were safe enough, and the direction was under the control of the government to the full extent of what that safety required. The *bonus* paid by the Bank for its charter was a sort of interest on the deposits; and it might have been increased, had the charter been renewed, without much complaint on the part of that institution. The employment of them, then, for "the uses of private trade" would have been unobjectionable, and both the country and the government would have derived abundant advantages from them. A National Bank had been ruled, again and again, to be in strict harmony with the Constitution;



and the employment of local banks solely was the deed of Jackson and Van Buren themselves. But, as we saw, the hint of the establishment of a Treasury bank was rejected by Congress at the outset, and the resort to the local banks was an "experiment," and had, we cannot doubt, as much to do with the elections as with the finances; and it served as an expedient, until, the rechartering of the United States' Bank having been rendered impossible, a Treasury bank might be erected, and all the influence that would arise from the increase of "the standing army" of office-holders thereby secured to the government.

This—the increase of official patronage—is one reason for the intense importance attached to this question by both parties in the United States at this time. Another was the prominence of commercial interests in the public affairs of the United States. In European affairs, dynastic interests, aristocratic interests, international alliances, and a hundred other subjects akin to these, stand in the forefront of politics; and trade and commerce, popular rights and privileges, and the staple of American politics generally, hold but a subordinate rank. Nor has it been till a comparatively recent date that these last, even in Great Britain, have been able to command such attention as to be the matter of independent legislation; but having attained this stage in their progress, we must admit that they have been legislated upon with a breadth of view, and in a spirit, which it would be well for America to imitate. On the question of Protection, for example, Great Britain is an age before the United States; and yet Free-trade is a more vital necessity of America than it is of England.

The discussion of this Sub-Treasury scheme in the Senate showed the disruption of the alliance patched up at the time of the Compromise of 1833. Calhoun did, truly, in the extra session announce the secession of the Nullifiers, or the extreme State rights party, from the Whigs. "Without hesitation," he said, "we joined our old opponents on the Tariff question, but under our own flag, and without merging in their ranks, and made a gallant and successful war against the encroachments of the Executive. That terminated, we part with our late allies in peace, and move forward,—lag or onward who may,—to secure the fruits of our long but successful struggle, under the old republican flag of 1798; which, though tattered and torn, has never yet been lowered, and with the blessing of God never shall be with my consent." So Calhoun spoke, and we saw that he and Webster did not agree on the Currency question,—which is one of those on which a man is more than ordinarily fortunate if he agree with himself: but he opposed the government plan,—asserting that he would "assent to no arrangement which provided for a Treasury bank, or that could be perverted into one," nor "to any arrangement which should add the least unnecessary patronage."

Now, however, the Senator from South Carolina, and his little band of followers, sustained the Administration, and defended against the assaults of Clay and Webster this very bill for providing a Treasury bank and extending the government patronage. The debate necessarily assumed something of

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the character of a personal conflict between the three hitherto united chiefs; and of it we need only say, that though he had to contend single-handed (for we cannot reckon those who spoke on the same side as aids to him,) against two such redoubtable champions as Clay and Webster, John C. Calhoun in every particular maintained his high repute as a debater, though he could not sustain his claim to be considered perfectly consistent in the course he had taken.

In the progress of the debate the bill was considerably modified, and a clause prohibiting the receipt of bank-paper in payment of government dues was struck out; and thus amended it passed the Senate by the scanty majority of twenty-seven against twenty-five. No sooner, however, was it presented in the House of Representatives, than it was met by a motion to lay it on the table, which in the end prevailed; a hundred and twenty-five voting for it, and only a hundred and eleven against.

The President's suggestion of some further action against the United States' Bank was entertained and debated in the Senate; and so was a measure obliquely aimed at the system of making deposits in the local banks, although that had been, up to the time of the suspension of specie payments, the favoured scheme of the dominant party. The establishment of a national bank was suggested, but not so as to bring on a debate concerning it. And the following resolution respecting "the Specie Circular" passed the Senate by a vote of thirty-four to nine, and the other House by a hundred and fifty-one to twenty-seven:—"Resolved, that it shall not be lawful for the Secretary of the Treasury to make, or continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States may be paid.

Notwithstanding the President's boast that only four millions and a half of Treasury notes would be required, it was found needful to issue, or rather reissue, the full amount of ten millions, which a supplementary Message recommended and asked. The Opposition would sanction this measure only after having annexed restrictions, limiting the time the notes were to run, and prohibiting the issue of them when once returned to the Treasury. This was found necessary in consequence of "the defalcation of the State-debtors during the past year," a surplus of revenue, amounting to twenty-eight millions, being at the same time locked up in the State deposits.

Other measures, we observe, were passed at this time, for the purpose of making certain internal improvements, some new, others only in continuation of what had been carried on in previous years;—for printing the papers (or selections from them) of Ex-president Madison; and for granting the right of preëmption to actual settlers, or *squatters*, on the public lands. And on the 9th of July, 1838, the session was closed.

Late in the preceding November a convention of delegates from the principal banks of eighteen in the States met at New York, to consider the propriety and possibility of fixing a time for resuming specie payments; but

it was compelled to adjourn without coming to the desired conclusion. Having reassembled in the following April, it recommended the resumption on the first Monday in January, 1839, but "without precluding an earlier resumption on the part of such banks as might find it necessary, or deem it proper." The banks of New York were authorized by a State law to suspend specie payments for a year from May the 16th, 1837; and they, we learn, in accordance with that law, resumed on May the 16th, 1838.

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The elections which occurred during the recess of Congress, and other registers of the state of the political atmosphere, showed very plainly a yet further decline in the strength of Van Buren's party. The influence of the State banks, which had all been exerted in his favour, was now all turned against him; and the establishment of the Sub-Treasury seemed too remote to be of any avail as a check to their hostility. Yet it must not be supposed that he or his friends were blind to these things. Three days before Congress rose "the Republican Members" issued an Address, in the course of which they stated, that the number of the State banks and branches at that time was eight hundred and twenty-nine; which were carried on by an aggregate of above eight thousand officers. The holders of stock in these banks, they said, were about three hundred and twenty thousand; and of debtors, about six hundred and fifty thousand. The amount of loans to these debtors and others it reckoned at above four hundred and eighty-five millions of dollars. If then, it proceeded, a national bank (which was yet feared by some,) were established, this million of persons and five hundred millions of dollars would be concentrated into one corporation. All the lesser banks would act in subserviency to "the monarch of the great bank credit system, on whom the inexorable laws of credit and trade would confer the power to crush or caress them according to his uncontrollable will." And to carry the matter one step further, we may explain, that this million of persons and five hundred millions of dollars might be gained in support of "the government," if only the Independent Treasury scheme could be carried then!

The twenty-fifth Congress met for its short concluding session on the 3rd of December; and the Message, after noticing the circumstance that the year 1838 closed "the first half-century of our Federal institutions," and entering largely into the external relations of the government, announced to Congress the thriving condition of the national finances. The receipts for the year were calculated at above twenty millions and a half of dollars, not including Treasury notes, nor two millions and a quarter arising from "the sale of one of the bonds of the Bank of the United States." The total of expenditure, including the redemption of eight millions of Treasury notes, was reckoned at forty millions; so that there was expected to be in the Treasury, at the end of the year, a balance of more than two millions and three quarters. But eight millions of Treasury notes, including interest and principal, remained to be redeemed, and would need to be provided for in the coming year.

The President did not fail to take credit to the government for doing what "its power and means permitted" to alleviate the distress which was



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spoken of as having passed away ; although when it was at its height he had announced the resolution to endeavour to secure only the interests of the government, and had read a very sound homily both to Congress and the nation, against relying on government to do anything at all. Into the disquisition on the Bank question and the currency, which followed *at large*, we cannot enter ; we only note its occurrence, and the announcement of a most elaborate embezzlement of the public money by the collector at one of the principal ports, carried on year after year in a most systematic and remarkable manner, and to a vast amount. He defended the proceedings of the government with regard to the Indians ; and treated of every other branch of public business in a manner suited to its importance and to the exigencies of the moment.

Most of the business transacted at this session comes under categories which we refer to the succeeding chapters ; but we have to record the passage of a string of resolutions intended to suppress the introduction of the slavery question into Congress, and the adoption of which necessitated a prolonged and exacerbated discussion on the forbidden topic ;—and the abolition of imprisonment for debt in certain cases. The discussion of a scheme for graduating the prices of public lands gave Webster and Calhoun and Benton an opportunity of distinguishing themselves ; and Benton's proposal to abolish the salt tax and the fishing bounties called up the South Carolinian for a speech which embraced all his own recent political movements, and those of the late Administrations and the Union besides. And on the 3rd of March, 1839, this Congress expired.

Canvassing for the Presidency and the Bank, with a new panic, occupied the interval that elapsed before the next Congress met. The last two subjects only will require mention. So astonishingly had the Bank, when converted into a local institution merely, rallied, that in August, 1838, its shares had risen to twenty-three *per cent.* premium ! And although public suspicion was awakened against banks generally, there was to a greater extent even an appearance of growing prosperity in the country. On the 29th of March it was suddenly announced that Nicholas Biddle had resigned the presidency of the United States' Bank which he had held so long ; and according to his letter of resignation the establishment was in the highest state of prosperity, and at the same time quietly pursuing its appropriate business.

This prosperity was essentially delusive. The management of the Bank, it appears, had not been conducted upon any sounder principles after its unsuccessful opposition to General Jackson than before ; nor had it, any more than in former years, set an example of the *safe* method of carrying on banking operations to the other banks of the Union. "The loans of the United States' Bank," says one competent witness, "were principally made in those sections of the country where it is difficult to find securities upon which a bank with an immense capital can lend with safety." "The primary and operating causes of the mistakes, misdemeanours, misfortunes, losses, and the final destruction of that establishment," continues the same writer, "may all

be traced to a violation of those sound, prudent, and honest principles of banking, currency, and credit, through almost every stage of its existence, which ought to have governed the feelings, opinions, and conduct of its administrators." These considerations, however, do not lessen the blame which belongs to the Administration for its proceedings; since they were taken quite irrespectively of mismanagement on the part of the Bank; and had all the incompleteness, and were pushed on with all the pertinacity, that always characterize the measures of men with one idea.

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In August of this year, 1839, the Bank was "compelled to issue post notes, which soon fell to a discount of more than one *per cent.* a month. In September it drew largely on Europe, without funds, and partly without advices. In order if possible to provide funds for that object, and also, as has been acknowledged, for the purpose of breaking the banks of New York, payment of the bills thus sold in that city was suddenly required in specie, and the amount shipped to Europe. The attempt was a failure in both respects, —the banks stood, and the bills were dishonoured." Thus Mr. Gallatin, when reviewing the disasters of this time of embarrassment.

On the 9th of October the United States Bank of Pennsylvania (as it was now styled,) suspended payments in specie; and the example was soon followed by most of the banks south and west of the State of New York, and by those of Rhode Island. Gallatin, though not denying that the operations of the United States' Bank were more influential in producing this suspension than those of the other local banks, does not exonerate them from all share of blame. "There was," he alleges, "a universal disregard of all considerations of prudence on the part of the managers of banks, as regarded the safety and interests of the shareholders, and of the public as recipients and holders of their issues, and of the business community generally as interested in having the circulating medium of the country maintained in that stable and sound condition so essential to their prosperity."

It was amid the alarm and distress occasioned by this new panic that the twenty-sixth Congress met for its first session. And at the opening of business in the House of Representatives an incident occurred, which showed, from the acrimony of the party spirit involved, how nearly the two opposing sections were balanced. During the elections, the Opposition appeared at first certain of having a decided majority in the House; and this rousing the friends of the Administration, a desperate effort was made, and a small majority in favour of the Administration was secured, without reckoning five of the six Representatives from New Jersey whose seats were contested. On the first day only one Member of the House of Representatives was absent, who was detained by sickness in his family.

The clerk of the House on this occasion, whilst calling over the roll, after going through the names of the Members from the New England States and from New York, called but one of the Members from New Jersey, and proposed to pass by the other five until the Members from the rest of the States should be called. It must be remembered that the certificates of these five

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were as regular as that of the sixth, but that their right to them was about to be contested; and also, that the clerk was a partisan of the Administration. A long, animated, and disorderly debate ensued, which was continued through three days, without any approach to a solution of the difficulty. On the morning of the fourth day, when the clerk as usual refused to read the names of the five Members from New Jersey, John Quincy Adams, after reproving the clerk for daring so to impede the action of the Legislature, proposed a motion requiring him to proceed with the roll-call, put it to the House himself, and was amidst "irrepressible enthusiasm" appointed presiding officer till the House should be organized by the election of its constitutional officers.

During the whole of the session was the investigation of the New Jersey representatives carried on; and it was a difficult inquiry, for the governor had given the certificates of election to the five candidates who had the fewest votes, on the ground that many of the votes registered by the other party were illegal and bad. The committee at last, in the middle of July, presented a report, (with a counter-report from the minority, as was customary now,) which gave rise to as long and angry a debate as that which had opened the session; and the Whigs refusing to vote, it was determined by a hundred and one votes to twenty-two that the candidates who had received the greatest number of votes, and not those to whom the governor had given the certificates, were duly elected,—which added six to the Administration party in the House, though too late to be of any service to the President.

The election of a Speaker consumed several days; but at the eleventh ballot Robert M. T. Hunter of Virginia (a Whig, but a favourer of the Sub-Treasury scheme,) was chosen by a majority of a hundred and nineteen over a hundred and thirteen: some of Van Buren's supporters having gone over to the side of the Opposition. But not till the 21st of December was the organization of the House fully completed; nor was the Message received till the 24th.

Whilst Congress was thus maintaining its forms with elaborate and fruitless care, a convention of the Whig party, representing twenty-two States, at Harrisburg in Pennsylvania, was engaged in determining the candidates for the party at the next Presidential election. Three names were laid before the convention,—Henry Clay, General Harrison, and General Winfield Scott. Daniel Webster had withdrawn from the hopeless contest. Appearances at first were all in favour of Clay, who received a majority of votes (both by heads and by States,) over each of the other candidates, but not a majority of the votes of the convention. But after conferences public and private, and various balloting, by a final ballot the post of honour was given to General Harrison, who received a hundred and forty-eight votes, while Clay had but ninety, and Scott sixteen. John Tyler, whom we have seen a candidate for the Vice-presidency at the last preceding election, was unanimously adopted by the convention for the same honour again.

The President's Message was, necessarily, in great part taken up with the financial aspect of the country. It was a tale which it required some adroitness



to render at all endurable, for the liabilities of the government had outgrown its revenue, and the Treasury notes alone kept the affairs of the nation from embarrassment. The subject of losses to the Treasury occasioned by the defaults of public officers and agents was handled briefly, for Congress had ordered inquiries to be made respecting them; and it appeared that the greatest losses were inflicted by the breaking of banks and the depreciation of their paper; the next by disbursing officers; the next by duty bonds; and the least by collectors and receivers.

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It entered largely into the causes of the recent suspension; with a view to push the Sub-Treasury scheme into execution. Here is the moral of the whole story of the United States' Bank; told, be it observed, not of it, but of banks generally, and involving no slight censure of Jackson's doings and of the writer's alike.

"Seldom is any bank, under the existing system and practice, able to meet on demand all its liabilities for deposits and notes in circulation. It maintains specie payments, and transacts a profitable business only by the confidence, of the public in its solvency; and whenever this is destroyed, the demands of its depositors and note-holders—pressed more rapidly than it can make collections from its debtors—force it to stop payment."

Precisely so it was that, the "confidence of the public in the solvency" of the United States' Bank having been destroyed by Jackson's attacks, that institution, in spite of all its struggles to maintain itself, by regaining that confidence, fell. It undoubtedly did not endeavour to do this in the wisest way; for it thought *a charter* the only means of rehabilitating itself in its former position of credit and influence; whereas it was a far more cautious and enlightened mode of conducting its affairs than it, or any other bank in the United States, had ever pursued. But Van Buren ought to have known better than to utter such a *platitude* as that about few banks, under the existing system, being able to meet all their liabilities on demand. No bank could do so under any system; and if it could, the wonder would be that the depositors had not hidden their coin in some hole or cranny, where they might watch it themselves, and not risk it by confiding the secret to another. He must have known that he was merely saying that few banks could discharge their liabilities *twice over*; for notes are, in fact, the acknowledgment given by the bank to the public for the money deposited with it, which it is its function so prudently to employ, as to be able not only to reap profits for itself, but to impart a share to its depositors, over and above all the other incidental advantages, which we cannot now specify. And by this means banks, when rightly conducted, benefit communities by increasing the circulating medium, which, so long as it maintains its *par* value, is an actual increase of the money-wealth and the wealth-creating power of a country. A man who can make one dollar do the work of two for the service of the public must be a general benefactor,—and (we may add) surely deserves half a dollar as a reward for his skill.

The President, in this paragraph, justifies all that Webster and Clay alleged

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of his hostility to banks universally; and shows that his preference of "hard money" was nothing more than the reaction of an imperfectly informed person, from the injurious and dishonest paper-money system of the American banks;—not the conclusion arrived at by a man of extensive acquaintance with facts and sound financial principles. And it was such a man that the United States wanted then, and has wanted many a time since. It takes a long time, and costs a people dearly, to work out *empirically* the problems in currency and finance, which must be solved in some not absolutely intolerable manner, if it is to rise above the savagery of mere barter. And America, having at her command all the already accumulated experience of Europe, ought not to have done herself the wrong of supposing it needful for her to start *ab initio*, as if nothing had been done in fiscal and monetary matters till she was set to feel out a way through these mists and bogs, that the human race might attain cruminal blessedness.

One principal object urged against "the credit system" in this Message is, that it subjects the whole of the United States to "the money-power in Great Britain,"—London being the centre of that system. And, as a logical inference from this, come the inquiries,—“Is an argument required beyond the exposition of these facts to show the impropriety of using our banking institutions as depositories of the public money? Can we venture not only to encounter the risk of their individual or mutual management, but at the same time to place our foreign and domestic policy entirely under the control of a foreign monied interest?” This calls for no comment. The best counsel in the whole of the document is the following; and it would have been well for the States had it been closely adhered to.

“Let it be indelibly engraven on our minds that relief is not to be found in expedients. Indebtedness cannot be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favour by creating new demands upon us abroad. Our currency cannot be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform, *by curtailing public and private expenditures, by paying our debts, and by reforming our banking system*, that we are to expect effectual relief, security for the future, and an enduring prosperity.”

This session Van Buren succeeded in establishing his independent Treasury. How Clay attacked and Calhoun defended, and all the habitual spokesmen of the Senate and of Congress delivered themselves of their various opinions on this measure, it were both tedious and idle to tell. And, most probably, Benton's apparently candid disclosure of the secret plans of the opponents of the Bank, was no more than an ingenious after-thought. It passed both Houses by the beginning of July, 1840, and on the 4th of the month received the President's signature and became the law of the land. The chief provisions were that, after the 30th of June, one-fourth of *all* payments to the United States were to be made in gold and silver only, and so on, annually

from that day, one-fourth more, until after the 30th of June, 1843, the entire amount of the revenues of every description, including payments at the Post Office, would be receivable in specie alone. And similarly with regard to payments made by the United States. Four persons were very speedily after the passage of the bill appointed receivers-general of the public money, for four years.

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A bankruptcy law was introduced by Webster, and carried through the Senate, but it was laid upon the table of the other House by a majority of a hundred and one over eighty-nine. The graduation of prices for public lands was again attempted in vain. But we are glad to know, that whilst so much that was of public concern failed, one little private citizen secured a point of vast importance to him. Matthew Lyon, whom long ago we spoke of as having violated the decency of the House of the Representatives by a most unseemly fracas, and who falling into seditious ways was fined under John Adams' "Sedition Law," had his fine repaid to him now, *with interest*, as an encouragement to all unlimited Republicans, we suppose; for other ground we cannot discover. An issue of five millions more Treasury notes was authorized; and on the 21st of July Congress adjourned.

Several changes in the cabinet had been made, which it will be convenient to note here. In 1838, James K. Paulding was made Secretary of the Navy in the place of Dickerson, who resigned in the same year; Felix Grundy received the Attorney-generalship, which had been relinquished by Butler; and in the following year, on Grundy's resignation, Henry D. Gilpin was appointed. Amos Kendall, in this year, 1840, gave up the Post Office, and John M. Niles received it. Here, too, we may intimate, in passing, that the Public Debt, which was *nil* at Van Buren's accession, and in 1839 exceeded eleven millions, was reduced nearly to four millions during this year.

Few Presidential elections were the occasions of so much excitement as that now proceeding. Ever since the year 1801 the supremacy of the Union had been held by the Democratic party, who had gradually absorbed the rival party, and then, as is the law of such entities, had split up into two antagonist sections, one of which was the representative of the old Federalist party, which now seemed on the point of regaining power. The State elections of this year, 1840, almost all augured well for the Whigs; but some fears were entertained, lest the personal adherents of Henry Clay should throw the victory into the hands of their opponents, by refusing to accept the nominees of the Harrisburg Convention. Early in May some fifteen or twenty thousand delegates from every State of the Union held at Baltimore a convention of "Whig Young Men," for the purpose of promoting the return of Harrison and Tyler. Of it let this fact stand as record: while the procession was moving through the streets of the city a member from Baltimore, one of the marshals of the day, was *murdered*. And a fund was raised by subscription for the relief of his wife and children. "Its proceedings," says one, "were characterized by a profound, heart-rousing enthusiasm, then almost unknown in political assemblies."



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Next day, the 5th of May, the National Democratic Convention met at the same city, two hundred and fifty strong, sent by twenty-one States; which agreed upon the nomination of Van Buren as President, but left each State to name its own candidate for the lower office.

"Town, County, and State Conventions," says a biographer of Henry Clay, with the highest exultation, "were held almost daily until the time of election. The most abstruse questions of national policy were discussed before the people, by the ablest and most eminent politicians in the country. Investigation was made into every department of the Administration; abuses and corruptions in all branches of the government were exposed and denounced in speeches, political pamphlets, and by the periodical press throughout the Union. And an enthusiasm was aroused, pervading the whole length and breadth of the land, and stimulating every class of her citizens, never before equalled but by a national uprising to repel the military invasion of a foreign foe."

"Men who before had taken but slight concern in the strife of political parties, and who had carefully shunned its turmoil,—old men, who would far more cheerfully yield to brief oppression than vex with unquiet din their peaceful and declining years,—found themselves struggling, side by side with the youthful and aspiring, for the triumph of those principles to which both were devoted, and in the disregard of which they saw danger and portended ruin to the land. Conventions numbering from ten to forty thousand persons were of frequent occurrence; some of the ablest political essays ever written in the country were printed and scattered throughout the whole Union; and men who before had scarcely thought seriously of political principles sat down to a close examination, in the light of reason and experience, of the most intricate yet vitally important questions of the currency, banking, and general political economy."

"The result of a political contest conducted on such principles, and with such enthusiasm, could scarcely be doubted," says our ardent informant. Accordingly Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Georgia, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, and Indiana gave their votes, two hundred and thirty-four in all, in favour of General Harrison; whilst Van Buren received only those of New Hampshire, Virginia, South Carolina, Alabama, Illinois, Missouri, and Arkansas,—only sixty votes in all. John Tyler received the same votes as Harrison; Colonel Johnson received those given to Van Buren, with the exception of one from Virginia bestowed upon Polk, and the eleven of South Carolina given to Tazewell; consequently he had but forty-eight. General William H. Harrison and John Tyler were thus elected President and Vice-president of the United States.

A third party had been organized on the ground of the abolition of slavery, and had nominated James G. Birney of Michigan as its candidate; but no votes were recorded in his favour.

The total popular vote in favour of Harrison was one million two hundred and seventy-four thousand seven hundred and eighty-three; whilst that for Van Buren was only a hundred and forty-six thousand and eighty-one less. This fact not only justifies General Jackson for his continual recommendations to Congress to amend the constitutional method of electing the Executive officers of the Union, but very considerably lessens the magnitude of the Whig triumph.

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Congress met again on the 7th of December; but an extraordinary snow-storm in the Middle States so greatly interrupted the communications, that not till two days afterwards could a quorum be formed. The Message entered largely into the financial condition of the country. The amount of Treasury notes outstanding was said to be four millions and a half of dollars; and the deposits of the States exceeded that sum by twenty-three millions. The expenditures of the year were estimated at about twenty-two and a half millions. A new objection to a national debt was started,—“the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders.” “The pretence which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm.” This document further recommended Congress to adopt measures against the African slave-trade.

Little business was transacted with any tangible result in this session. The prospective change in the dynasty paralysed the Legislature. Another issue of Treasury notes was authorized; various appropriations were made; and many schemes, which had already been well ventilated in Congress, were debated anew. The matter of most interest, especially for the promise it gave of what might be done under the next Administration, was a resolution proposed by Henry Clay, for the repeal of the Sub-Treasury law. Clay did not expect to carry this resolution now, but introduced it for the purpose of testing the disposition of the President and his adherents to conform to the expression of public opinion in the election of General Harrison.

Perhaps we ought rather to have designated the discussions on the report of the Secretary of the Treasury the most interesting; because they disclosed the final proof of the break-down of Jackson's “Reform and Retrenchment” policy. The wholesale removals of public officers, without the appointment of abler and more trustworthy men; the violent wresting the Constitution in respect of some matters, and the slavish obedience to its letter in respect of others; the whole of the great Bank Controversy, ending with the panics; the suspension of specie-payments, and the commencement of a national debt by the very party that had claimed the sole credit of having discharged the old debt; these things had fully shown the nature of Jacksonian *Reform*. And as for the *Retrenchment*, let these facts speak.

Under the Administration of John Quincy Adams, the total of expenditures was less than ninety-six millions of dollars,—that is, less than twenty-four millions a year; which includes the payment of above forty-five millions,

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or more than eleven millions annually, on account of the public debt. The total under Jackson was a little over two hundred and ten millions, or above twenty-six millions yearly ; and of this, there was paid in all only sixty-five millions and a half, on account of the public debt, or little more than eight millions a year ! And under Van Buren, who carried on Jackson's policy as far as it could be carried, the total was more than a hundred and thirty-three millions, which was above thirty-three millions a year ; whereof above twenty millions was on account of the public debt, (all contracted during these four years,) which exceeded five millions annually.

"I am looking at the facts in a financial view, purely," said Daniel Webster, when remarking on the Secretary's report, "and I say, that during the last four years the public expenditure has *exceeded* the public income at the rate of *seven millions of dollars per annum*."

And in arrest of the inevitable judgment, the Administration could only plead that it had "large current expenditures,"—which we knew ;—and that it expected the deposit banks to pay what they owed the government with greater regularity and less delay,—realizing precisely what Major J. Downing had said, seven years before, when telling his inimitable story of the "hunt for the General's spectacles ;"—"*I'm afeard, General, we've got too many pockets for our money, and when we want it we shall all have to come to our shirts and boots before we find it !*"

We might speak further of public agents multiplied, and of increased compensation given to some without any corresponding increase of duty or responsibility to justify it ; of large sums lost by the defalcation of others, and by the failure of the deposit banks ;—all tending to show what a peculiar notion Jackson's party entertained of Reform and Retrenchment, and that it was impossible for the term of power to be extended any longer. But our readers will without difficulty deduce all these lessons from what we have said for themselves ; and lessons so obtained have greater weight and worth than any others.

The struggles of the United States' Bank were now apparently drawing to a close : on the 15th of January, 1841, specie payments were resumed, but on the 5th of the next month, "having paid out an amount little, if at all, short of six millions of dollars, in coin or specie funds," it suspended these payments again. Other banks in Philadelphia, the banks of Baltimore, and others, followed its example, but those of the New England States and of New York did not. An inquiry was, hereupon, made respecting its affairs ; and the result of it was the exhibition of a most unfavourable kind respecting them. But of this we must speak subsequently, when we reach the time to which it most properly belongs.

We have been accustomed to append to our chapters on the progress of the Union, observations upon the characters of the Presidents, the deeds of whose Administrations we had related ; and we should not depart from our custom here, were not Martin Van Buren still living, which renders it improper to do so, even if it could be done impartially. Our narrative of his Presidency therefore must terminate with the bare note that it expired, to-



gether with the twenty-sixth Congress, on the 3rd of March, 1841. And now we proceed to a rapid sketch of the Foreign Relations of the Union under these two Administrations.

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### CHAPTER III.

FOREIGN AFFAIRS DURING THE ADMINISTRATIONS OF JACKSON AND VAN BUREN.—TRADE WITH THE BRITISH WEST INDIES OPENED.—THE NORTH-EAST BOUNDARY QUESTION.—COMMERCIAL LEGISLATION.—INDEMNITY FOR FRENCH SPOILIATIONS BEFORE 1800.—RELATIONS WITH FRANCE ADJUSTED BY THE MEDIATION OF GREAT BRITAIN.—INDEMNITY FROM OTHER EUROPEAN POWERS.—COMMERCIAL TREATIES.—THE FALKLAND ISLANDS.—THE INDEPENDENCE OF TEXAS.—PILIBUSTERING IN THE NORTH, AND THE AFFAIR OF THE CAROLINE.—THE EXPLORING EXPEDITION.

NOTWITHSTANDING the adoption of the traditions of Jeffersonian Republicanism by the Democratic party of Jackson and Van Buren, on one point there was a wide departure from the model. We have seen how sedulously Jefferson cultivated the friendship of France, and how zealously he provoked the hostility of Great Britain; in the history of the Administrations from 1801 to 1817, this was the most prominent feature in the external affairs of the United States. But now the case was altered; the hostility of France was braved, the friendship of England was openly sought; and America gladly accepted her good offices in readjusting pacific relations with the government of France. This imparts a special character to the foreign affairs of the period now under consideration; and exemplifies most remarkably one peculiarity of the progress of great communities in which the form and outward aspect at different times may exhibit changes as astonishing as this, though no corresponding internal change has occurred. For in part no doubt owing to the influence of the ideal of foreign policy set up by Washington and Jefferson, and in part to the circumstances of the country, no closer approach to amity with Britain was made by the United States now than had been under the show of inimical rivalry;—as events after this period clearly demonstrated.

We must refer to the corresponding chapter in the preceding Book for information concerning the position of the dealings of the government with Great Britain, and the unwise attempts of John Quincy Adams to imitate Jefferson in his least successful efforts of statesmanship. Those circumstances, and the well-known character of Andrew Jackson, made the thoughtful anticipate, if not a *third* war with Great Britain, a protracted and useless negotiation, and with all other nations a series of irritating disputes; nor did they suppose that there could fail to be a considerable addition of mistakes, such

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as an inexperienced diplomatist could hardly fail to commit. "These apprehensions," says Benton, "were very sincerely entertained by a large proportion of our citizens; but, as the event proved, entirely without foundation. No part of his Administration \* \* was more successful, beneficial, and honourable, than that of his foreign diplomacy." And in this praise we can concur.

"He obtained indemnities," continues this writer, "for all outrages committed on our commerce before his time, and none were committed during his time. He made good commercial treaties with some nations, from which they could not be obtained before,—settled some long-standing and vexatious questions,—and left the whole world at peace with his country, and engaged in the good offices of trade and hospitality." Or, as Jackson himself said in his "Farewell Address," when reviewing this department of his Administration,—“Actuated by a sincere desire to do justice to every nation, and to preserve the blessing of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted; and with a limited, and I trust a temporary, exception, our relations with every foreign power are now of the most friendly character,—our commerce continually expanding, and our flag respected in every quarter of the world.”

Such was the gratifying upshot of the adherence of General Jackson to the line of policy which his great predecessor in the Presidency of the United States laid down and acted upon; and which Jefferson subscribing to, but not acting on, confirmed as the true policy of America, by the example of costly, fruitless, and disastrous war, which he provoked thereby. It will be well for the Union and for the civilized world, (which, to its utmost bounds, is interested in the welfare of every portion of it;) if the instruction, which Jackson's conduct in relation to foreign states can convey, shall not be lost sight of by those on whom the responsibility and honour of directing the external affairs of the nation may now and afterwards devolve.

Jackson's predecessor in the Presidency had, as we have seen, vainly attempted to regain the direct trade with the British West India islands,—a lucrative and important branch of trade for the United States, which the establishment of their independence had deprived them of, and for which they had no equivalent to offer,—by retaliation; that is to say, by *totally* prohibiting direct commerce with Great Britain, because Great Britain had prohibited the United States from direct intercourse with a part of her vast territories, except under specific conditions. Jackson determined upon a gentler course, and selected Louis M'Lane, of Delaware, as minister to London, to convey new overtures to the British government.

Benton states that the reason assigned for what might have appeared the importunacy of weakness, was "the simple truth, that there had been a change

of Administration in the United States, and with it a change of opinion on the subject, and on the essential point of a 'right' in us to have our productions admitted into the West Indies, on the same terms as British productions were received; that we were willing to take the trade as 'privilege,' and simply and unconditionally, under the Act of Parliament of 1825. \* \* This frank and candid policy had its effect. The great object was accomplished. The trade was recovered. \* \* The Act of Parliament gave us the trade on terms nearly as good as those suggested by Washington in 1789; fully as good as those asked for by him in 1794; better than those inserted in the Treaty of that year, and suspended by the Senate; and though nominally on the same terms as given to the rest of the world, yet practically better, because of our proximity to this British market; and our superabundance of articles (chiefly of provisions and lumber,) which it wants.

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"And the trade has been enjoyed under this Act ever since," continues Benton, "with such entire satisfaction, that there is already an oblivion of the forty years' labour which it cost us to obtain it; and a generation has grown up almost without knowing to whom they are indebted for its present enjoyment."

Respecting the north-eastern boundary, preparations for a final settlement were now at length made. Negotiations were commenced under the Administration of Monroe, in 1823, with a view to the submission of the subject to arbitration; and under John Quincy Adams in 1827 a convention was signed at London,—the occurrence of collisions on the borders expediting it. The king of the Netherlands was appointed arbitrator under this convention, and he made his award on the 10th of January, 1831; but he satisfied neither party; and his award being rejected by both, the whole affair was thrown back to its original position. Not daunted by this failure, Jackson addressed himself with new energy and diligence to the subject; but year after year, in spite of all his endeavours and good-will, he could only report in his Messages that the controversy remained unadjusted.

With Van Buren's accession to the Presidency, new anxiety was felt for the settlement of this long-standing difficulty, the State of Maine being most of all desirous that no more time should be lost in determining what *was* its border-line next the British province. Webster, from whose speech in defence of the Treaty by which at a subsequent period it was settled we take this epitome of these unsatisfactory negotiations, considers that Van Buren not only accomplished nothing, but that he actually "left the question in a worse condition than he found it;" not only on account of the disturbances and outbreaks which had taken place on the border for the want of an adjustment, and which disturbances themselves had raised new and difficult questions; but on account of the intricacies, complexities, and perplexities, in which the correspondence had become involved."

We will not detail the tedious agreements for joint exploration and survey, followed by plans and counter-plans, projects and counter-projects, all of them promising "the certain and final adjustment of the limits in dispute,"



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all of them, in succession, leaving the real gist of the matter untouched. We will only say that this exhaustion of all the petty arts of diplomacy, in the utterly fruitless endeavour on each side to make the other party yield, each also being determined not to yield so much as a foot itself, was the surest preparation for a settlement of the question. And steps openly leading to a conclusive adjustment were to be expected, when the Presidential election of 1841 accomplished a "revolution" in the politics of the government.

During this entire period there was no note-worthy instance of commercial legislation except the famous "Compromise Act of 1833." Of this we have spoken fully in the chapter which treats of the domestic affairs of the United States under General Jackson; for it was in fact a law which regarded these far more than the relations of the Union with other nations. Enacted, not for revenue in its first intention, but for the protection of American manufactures; and shaped not even with the most prudent bearing in this direction, but simply to avert the disruption of the Union, menaced by South Carolina, and to relieve Calhoun and Jackson alike from the otherwise insoluble difficulty of their positions; it could not be a good measure, either in its influence upon home trade or foreign commerce; whilst it really satisfied neither party in the country. And this was demonstrated by its repeal as soon as its allotted term of progress in operation expired; which will be duly shown in the next Book.

Far more annoying than any of the unsettled controversies with Great Britain was the question of indemnity for spoliations, committed by France upon American commerce, before the year 1800; which had gradually grown, in consequence of the obstinate refusal of France to do justice to the claims of her once too patient and subservient ally, to be of first-rate importance. For, emboldened by the example of France, there were other states which refused to satisfy the righteous demands of the United States upon them, for violence done to their vessels, in contravention of all law and right, excepting those "of the strongest." Every Administration, from that of Madison (Jefferson might be shown to have constructively allowed these injuries;) to that of John Quincy Adams, had sought redress, and sought it in vain. Jackson was resolved to prosecute this great suit with all the vigour that was required for success; not only for the purpose of settling it, but also that he might be able to settle those other controversies, which could not be determined except thus indirectly.

William C. Rives, of Virginia, who had been appointed minister plenipotentiary and envoy extraordinary to Paris, for the purpose of pressing these claims, succeeded in negotiating with the government of the newly established Citizen King, in 1831, a treaty by which twenty-five millions of francs, (less one million and a half on account of counter-claims by the royal treasury, or French citizens,—Beaumarchais, for example,) were to be paid in six equal annual instalments, to satisfy all demands on the part of American citizens and the government of the United States. Interest at four *per cent.* was to be paid upon this sum, after the exchange of the ratifications of the treaty. This sum did not amount to one half of the real value of the damages

sustained, and there was no allowance of interest before the treaty; yet it was deemed expedient to accept this compromise, and both the President and the people of the United States congratulated themselves that at length this troublesome matter was disposed of.

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In February, 1832, the ratifications of this treaty were duly exchanged, but neither the king, nor his ministers, nor the Chambers took any steps to carry its stipulations into effect. Congress, for its part, passed the needful laws; and on the 7th of July, 1833, the Secretary of the Treasury drew a bill of exchange upon the Minister of State and Finance of the French government, directing the first instalment to be paid to the order of the cashier of the United States' Bank. When this bill was forwarded, through the Bank, to Paris, it was not accepted; and, as our readers will remember, the observance of the forms of procedure common in such cases by the Bank was one of the charges urged by the President against that Institution when he was busily engaged in contriving its overthrow.

Perhaps we might have allowed some use to be made of the circumstance that this mercantile method of action was (to say the least) *unusual*, in palliation of the conduct of the French government; had there not been an entire absence of even the semblance of attention to this demand. The king did not ask for the money, the Chambers did not grant it. And, as if to show that this indecent neglect of a solemnly ratified treaty arose from no accident or mistake, even the documents which the French government had agreed to communicate to the American government were withheld, on the pretence that the originals could not be withdrawn from the courts; and when the American minister consented to accept copies, it was contended that the United States must be at the expense of making them.

At last a bill to provide for this instalment was presented to the Chambers, but so little diligence was employed to secure its passage that it was lost. And although the government assured the American minister that it would do all it could at the next session, when the Chambers met, the matter was not even named. Instructions were therefore given to the American minister to urge a prompt compliance with the treaty upon the French government; and to add, that the United States would demand indemnity for the refusal to accept the bill for the first instalment. And in his sixth Annual Message, in December, 1834, Jackson said,—“It is my conviction, that the United States ought to insist on a prompt execution of the treaty, and in case it be refused or longer delayed, to take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that when one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war.”

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This conditional threat of reprisals appeared to the French ministers a threat, which rendered it inconsistent with the honour of France to continue diplomatic intercourse with America; the French minister at Washington was therefore recalled, and Livingston, the envoy of the United States at Paris, received his passports; and at the same time a bill was introduced to authorize the payments. Congress, on its side, also took the matter up. Henry Clay's biographer, whom we have before quoted, says,—“The rashness of the President, but for the efforts of Mr. Clay, would without doubt have involved us in a most disastrous war with that nation,—to the certain ruin of our commerce, and the general injury of all our interests.” “The Message” we have referred to, he continues, “at once checked our commerce, greatly increased the rates of ocean insurance, and carried general alarm and confusion into all departments of business.” But in accordance with the report of the committee on foreign relations, of which Clay was chairman, on January the 14th, 1835, a resolution unanimously passed the Senate declaring it inexpedient that there should be any more legislation concerning the state of affairs between France and the United States. And the House of Representatives took no action upon the suggestion of the Message.

The French bill contained a clause, providing that no money should be paid till it had been ascertained that the government of the United States had not adopted any measures injurious to the interests of France. But the committee, to whom the bill was referred, added “the dignity of France” to her interests in this clause, and required the payment to be deferred till after due satisfaction had been made; which the ministry adopted, and carried. Livingston, who did not accept the passports when first offered to him, gave every explanation of the paragraph in the Message that had been complained of, and in turn complained of this clause which had been added to the bill, assuring the French ministry that the demand it proposed would certainly not be complied with. But finding the ministers indisposed to yield, he returned to America; and the *Chargé d'affaires*, whom he left behind him, seeing that his applications were equally fruitless, also returned. It must be remembered that the President's Message was not formally communicated to the French government, and that it was therefore a strictly private or domestic document; and that the French government, for its part, did not formally apply for an explanation.

In his next Message Jackson gave a general statement of the position of this affair, as he regarded it, and promised a special communication on the subject, which he presented on the 15th of January, 1836. This “French Message” informed Congress that France had peremptorily refused to execute the Treaty, “except on terms incompatible with the honour and independence of the United States,”—for that government had, in fact, demanded “an official written expression of regrets, and a direct explanation addressed to it,” and had intimated that this was a *sine quâ non*. The suspension of diplomatic intercourse with France was notified, and Congress was counselled “to retaliate her present refusal to comply with her engagements by pro-



hibiting the introduction of French products, and the entry of French vessels into our ports." It was also recommended that, as France was preparing a naval armament for the American seas, the navy should be increased, and the coast defences completed.

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Before the committee on foreign relations, to which this communication was referred, could make any report upon it, a new Message informed Congress that Great Britain had offered her mediation, and that both he and the government of France had accepted it; and recommended the suspension of retaliatory measures as well as the vigorous prosecution of the works for permanent national defence. "Within a month from the date of that Message," adds Benton, "the four instalments of the indemnities then due were fully paid; and without waiting for any action on the part of the mediator."

Our Senator observes upon this subject most appropriately, that this proffer of the good offices of Great Britain "presents one of those noble spectacles in the conduct of nations on which History loves to dwell. France and the United States had fought together against Great Britain; now Great Britain steps between France and the United States to prevent them from fighting each other. \* \* It was a noble intervention, and a just return for the good work of the Emperor Alexander in offering his mediation between the United States and Great Britain. [How could this offer be a "return" for that? Were Russia and the United States so intimately related as to be *pro hac vice* identified? Or is it a *lapsus lingue* of the orator? for which the statesman and the writer must not be called to account?] Good works, these peace mediations, and as nearly divine as humanity can reach;—worthy of all praise, of long remembrance, of continual imitation;—the more so in this case of the British mediation, when the event to be prevented would have been so favourable to British interests,—would have thrown the commerce of the United States and France into her hands, and enriched her at the expense of both. Happily the progress of the age which, in cultivating good-will amongst nations, elevates great powers above all selfishness, and permits no unfriendly recollection,—no selfish calculation,—to balk the impulses of a noble philanthropy."

We cannot better serve our readers, nor treat the remainder of our subject more satisfactorily, than by following the excellent summary which Benton has given of "President Jackson's Foreign Diplomacy." The government of Denmark agreed to indemnify the citizens of the United States for various injuries inflicted during the years 1808 to 1811, to the amount of six hundred and fifty thousand dollars; and renounced all the counter-claims it had before advanced. The convention preceded the treaty with France. After the signature of the last-named treaty, Naples also yielded to the demands of justice, and agreed to the payment of two millions one hundred and fifteen thousand ducats, for the satisfaction of the claimants. In like manner Spain, which had inflicted much damage upon American commerce, during the time when it was fruitlessly endeavouring to recover its revolted provinces, now consented to pay twelve millions of reals in compensation for it; the Presi-

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dent at the same time renouncing all unfounded claims, and pressing those only which were consistent with "the laws of nations,"—now, we may believe, more accurately expounded than when, as a military commander on the Spanish border, more summarily than even martial law allowed, he ordered Ambrister and Arbuthnot to be executed. Indemnity for seizures made by Portugal in 1829 and 1830 was also paid, after some delay, in full in 1837.

Jackson was equally successful in negotiating commercial treaties. "Our relations with Russia," observes Benton, "had been peculiar;—politically, always friendly; commercially, always liberal;—yet, no treaty of amity, commerce, and navigation, to assure these advantages and guarantee their continuance. The United States had often sought such a treaty," but till this time in vain. We cannot be mistaken, now that the designs of Russia upon the independence of Europe, and against Great Britain particularly, have been exposed, in the belief, that this hesitation was intended to secure the unwitting coöperation of America, by keeping awake "a lively sense of future favours." That the Czar has, at the very time of plunging into a European war, ceded to the United States his barren claim to the north-western course of the American continent confirms this view. In 1832 this long sought and earnestly desired treaty was concluded; and for seven years all the commercial privileges of the most favoured nation in Russian ports were guaranteed to the vessels of the United States. A clause of indefinite continuance, subject to termination at one year's notice from either of the contracting parties, was appended: and thus, though nothing actually was gained, the stability imparted to these old commercial advantages had the effect of the concession of new privileges in stimulating mercantile enterprise.

With the Ottoman Empire, also, a treaty placing the commerce of the United States on the footing of the most favoured nation, and opening to their ships the navigation of the Black Sea, was now concluded. Austria also entered into a similar treaty with the American government. The long-standing treaty with the "Miramolin" of Morocco was once more renewed. Two treaties, one relating to boundaries, and the other to commerce and navigation, were concluded with Mexico. And treaties of amity and commerce were negotiated with Chili, with far distant Siam, and the Sultan of Muscat. "Such were the fruits of the foreign diplomacy of President Jackson," exclaims his friend with justifiable pride. "This is the eulogy of *FACTS*, worth enough in the plainest language to dispense with eulogiums of *words*."

"The management of the relations between the United States and other powers did not manifest the same want of character and capacity that characterized the negotiations with the British government." Thus writes the American Annual Register, a work sufficiently free from Democratic bias, by way of introduction to the mention of two occasions on which Andrew Jackson displayed as prompt a pugnacity in his external administration as he had in the conduct of the domestic affairs of the country. But let not our readers suppose that the "powers," for his dealings with which the President received this emphatic and almost solitary tribute of commendation from this

quarter, were by any means *first-rate*; or that the circumstances permitted a choice of mode of procedure. We must relate these instances in which, according to our authority, "the honour and interest of the country were maintained in the manner indicative both of spirit and ability."

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First of these illustrations of energy in maintaining the rights of the United States, comes a story relating to the Falkland Islands. These inhospitable sealing-grounds which, but for their position in front of the true "Cape of Storms," and the narrow and difficult Straits of Magellan, would never have been thought worthy of regard, had been claimed by the newly erected Argentine Republic, as part of its share of the dismembered Spanish Empire, and had (together with the adjacent coast of the South American Continent) been leased to one Don Louis Vernet, with the sonorous and empty title of Governor of the Falkland Islands.

This Ibero-Gallic adventurer purposed to maintain his state by compelling the sealers to take out licences to fish; and, by way of exemplifying his authority, he seized three American vessels,—arresting their captains and boats' crews when on shore, and sending an armed force to bring the ships into port. One of these he fitted out as a sealer, and sent into the Pacific; another was sent to Buenos Ayres for legal condemnation; and the third escaped and carried home the tale of this outrage. Our annalist finds an aggravation of the crime in the circumstance, that although there were English vessels on the same fishing ground when these American ships were seized, they were suffered to remain unmolested.

Jackson immediately despatched Captain Duncan with the *Lexington*, and a competent force, to the Falkland Islands, which, at the end of the year 1831, "took the necessary measures to break up the establishment of Governor Vernet, by spiking the cannon, depriving those who were concerned in the capture of the sealers of their arms, restoring the captured property to its owners, and transporting seven of the most prominent actors to Buenos Ayres for trial." The government there "professed great indignation at the unceremonious way in which a settlement under the protection of its flag had been treated;" but it was the weaker of the two, and it stood alone; and it had to be content that "a lesson had been afforded it of *the danger of lending that flag as a cover to acts too nearly bordering upon piracy to be easily distinguished*;"—a lesson which we cannot but wish the teacher (in this instance) had thoroughly mastered, as its dealings with Spain in the matter of Cuba might have been more satisfactory to the best part of the nation, and to the civilized world in general.

The other example,—for we cannot accept the diplomatic triumphs before spoken of as examples of the particular kind of energy here commended,—is less considerable still. The Malays of Quallah Battoo had made a piratical attack upon the *Friendship of Salem*; nay, they "had frequently before captured American vessels, trading on that coast, by sudden attacks on the crews;" a summary chastisement was therefore determined on, and the frigate *Potomac* was sent to inflict it. Having arrived off the coast, early in



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February, 1832, "and being disguised as a merchant vessel," she sent a boat as if to trade, but really to reconnoitre; and early the next morning landed two hundred and sixty men, who, after a sharp contest of three hours, in which they lost three killed and had ten others wounded, they carried all the forts, destroyed them, and set fire to the town. "A salutary impression," we are told, was thus made on the minds of those piratical tribes, and the neighbouring rajahs sent messages to the American commander, assuring him of their friendly disposition and their desire to obtain the friendship of the United States.

In the last pages of the preceding Book we briefly sketched the state of affairs in the province of Mexico, next adjoining to the United States on the Gulf of Mexico, called Texas; the nature of the claims of the United States to the suzerainty of it; and the steps which were taken, so to occupy its soil, that its affiliation to the Anglo-American Confederation should be only a question of time.

Mayer complains that "Mexico will not do justice, in any of her commentaries on the Texan war, to the motives of the colonists. Charging them with an original and long meditated design to rob the republic of one of its most valuable provinces, she forgets entirely or glosses over the military acts of Santa Anna's army, in March, 1836, at the Alamo and Goliad, which converted resistance into revenge." But he himself omits to mention the *political* acts of the colonists which provoked the military intervention of Santa Anna. These we must not fail to notice, as well as those on which he lays so much stress. We may also refer to such writers as Monette and Benton, whose candid avowals justify the injustice he complains of.

The great increase of settlers from the United States, and particularly from the Western region, together with the abortive attempt, we have already recorded, to separate Texas from Mexico, so much alarmed the Mexican government, that in 1830 the further immigration of Americans into Coahuila and Texas was completely prohibited, and military forts were established in every part of those provinces, to enforce this decree. "This," says Mayer, "suited neither the principles nor tastes of the colonists, who in 1832 took up arms against the warlike interference with their municipal liberty."

In April, 1833, a convention assembled at San Felipe, Texas was declared independent, and a constitution was adopted. "We, the people of Texas," thus ran the preamble of this remarkable instrument, "being capable of figuring as a state, in the manner contemplated in the second article of the general congress of the nation, of the 7th of May, 1824; do ordain the following constitution, and do mutually agree with each other to form ourselves into a free and independent state of the Mexican confederacy, by the name of Texas." And amongst the provisions of this remarkable polity we find this one, whence certain inferences might be drawn;—"No bank, or banking institution, nor office of discount and deposits, nor other monied corporation, nor private banking establishment, shall exist during the continuance of this constitution." But of this constitution we hear no more.

Besides the insult of a military occupation, as the Texians (or rather, the Anglo-American settlers in Texas) understood the measures of the central government, no small vexation was occasioned by the Mexican Tariff, which imposed duties, of such an amount as to be in effect prohibitory, upon such articles as carpenters' tools, farming implements, furniture, hardware, clothing, books, medicines, &c., which were indispensable to the progress of agricultural prosperity and domestic comfort. And the government resolutely refused to listen to the petitions which prayed for the admission of these and similar articles free of duty for three years, during which time manufacturing establishments might be brought into operation; just as they refused to sanction the erection of Texas into a State separate from Coahuila.

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In the summer of 1834 Santa Anna suddenly dispersed the Mexican congress, and made himself Dictator. Texas was amongst the first and the loudest to protest against this act; and General Cos was soon sent to repress this spirit of revolt, which he did after the fashion of Santa Anna himself, by driving away the members of the legislature and the judiciary from their halls and courts, and issuing an order for disarming the people. "Having remonstrated against the violation of the Federal constitution of 1824," says Monette, "they threw off the yoke of the Dictator, and established a provisional government, which, on the 7th of November, 1835, issued a manifesto," declaring that the cause of their resort to arms was the "defence of the Republican principles of the Federal Constitution of Mexico of 1824."

Yet it must not be forgotten that there was a ground of quarrel with Mexico which could not be very openly avowed,—the Mexican government had abolished slavery, and the majority of the American settlers in Texas were slaveholders, and they regarded themselves as injured and oppressed by the abolition of the traffic in men. Nor may it be concealed, that the sympathy of the Southern States with the Texians, rendered so much the more active on account of their agreeing with them on the slave-question, was displayed in a manner that, used against themselves, would have been pronounced piratical. Even before the revolt broke out, materials of all kinds for waging war had been forwarded to the American settlers in Texas from New Orleans. In this very month of November, from that port a Mexican refugee sailed, with a force composed in part of Texians and in part of Americans, to make an attempt on Tampico. And as the struggle proceeded, by land and by sea, from Mobile and New Orleans, such assistance to the Texians was openly sent. And although the expeditions forwarded by sea did not achieve any memorable success, there was a *moral* injury inflicted on the Mexicans, which they could not but consider the government at Washington to be answerable for. Neither Jackson nor Van Buren offered the Texians any other help than that of winking at these proceedings in the South; and they are eulogized by Mayer in a fashion which seems to show that it was not easy for them to merit such praise, and which is positive blame for all, themselves included, who fitted out or allowed that assistance from New Orleans, and the other places on the Gulf of Mexico.

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"These Presidents were scrupulous and faithful guardians of national honour, while they respected the Mexican right of re-conquest. Their natural sympathies were of course yielded to Texas, but their executive duties, the faith of treaties, and the sanctions of international law, forbade their acceding to the proposed union" with the United States.

From the first outbreak of hostilities victory declared for the revolvers, and when General Cos was despatched against them he and his whole force were made prisoners of war. The officers were released with their arms and private property under parole, "not in any way to oppose the" establishment of the constitution of 1824. Notwithstanding which, most of them, including the general, accompanied Santa Anna, when, in the following March, he himself invaded Texas, for the purpose of compelling its submission.

In the latter part of December, 1835, about a hundred persons, assembled at Goliad, a second or third time declared Texas independent; but it was not until the appearance of the Dictator in the field against them that this declaration was finally made. In the month of March, 1836, forty-four delegates (of whom only three or four were Mexicans or natives of Texas) met at a place called Washington, and an independent republican government was established, David G. Burnet being chosen first president.

Santa Anna conducted the campaign in the most ferocious spirit, and completely justified all that the revolvers had done for the purpose of severing the connexion of Texas with Mexico. At San Antonio above a hundred and fifty men of the garrison were butchered by the Mexicans; and amongst them two whose names will not soon be forgotten, Colonel David Crockett and Colonel James Bowie. And at Goliad, shortly after, above five hundred Texians, who had surrendered as prisoners of war, were put to death in the same barbarous manner. Near the San Jacinto, the Texian army, under General Samuel Houston, attacked him in his fortified camp, on April the 21st, and completely routed him. According to the account given by the victors, their own force consisted of eight hundred men, of which six were killed, and twenty-six wounded; while the Mexicans were nearly double their number, and had above six hundred killed, about two hundred wounded, and nearly seven hundred and fifty made prisoners. On the day after the battle the Dictator himself was captured, as he was endeavouring, in a wretched disguise, to make his way back through the woods to Mexico. General Cos, also, found himself once more in the hands of the Texians.

The directions given by Santa Anna to the Mexican army, and the treaty he concluded with Texas, were disallowed by the Congress of Mexico and the president *ad interim* who had been chosen; and fresh determination seemed to animate the republic to recover the province which had inflicted such a disgrace upon its arms. But the poverty of the government could not support an army of four thousand men, which was collected at Matamoras; and, as if to show its supreme contempt for its former rulers, when the Mexican government authorized the admission of provisions at the port of Matamoras at reduced duties, during the Texian war, Texas declared the said port to



be in state of blockade, although not a plank was afloat under the flag of the Lone Star.

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When the first Texian Congress under the constitution met, the chief question discussed, (if such a word can be employed where all were agreed beforehand,) was the desirableness of annexing the country to the United States; and new applications to the government at Washington were authorized. Land sales were resorted to, that some means of carrying on the government might be at hand; and the victor at San Jacinto was elected president,—the first under the constitution.

Notwithstanding the neutrality avowed by the government of the United States, on the 4th of July in this same year, 1836, General Gaines, commander of the United States' army, crossed the Sabine, and established his head-quarters at Nacogdoches. Under colour of a treaty with Mexico respecting the maintenance of order on the boundary, he had been ordered to approach the line, and having (as Jackson himself had when he went out upon his "Seminole hunt") discretionary instructions to cross it, when he heard of the collection of an army at Matamoras, he found out that an Indian had murdered two white men, and taken refuge in Texas, and on that pretext advanced to Nacogdoches, as was said.

The Mexican minister at Washington was, at this very time, engaged in pressing the claims of his government to some different treatment in respect of Texas; and he was informed of these movements with an amount of diplomatic effrontery that would have done credit to a disciple of Talleyrand or Nesselrode. It was to no purpose that the Mexican minister for foreign affairs protested against the views of the American government, and against the sufferance of hostile levies and armaments destined for the support of the Texians, in the United States' territory; the revolvers were, one and all, citizens of the United States; they had a strong party in favour of them in the South; Jackson and his government and adherents could not, without a greater solecism than such men, in such a case, would ever be guilty of, disapprove of their proceedings; Mexico was a recently formed government; it was rent by the most frightful divisions; it was poor; it had no allies or friends amongst the only governments that could have afforded it any solid support—the European monarchies; and its cause was disgraced by the massacres at San Antonio and Goliad; and the only step possible, and it could lead to no serviceable result, was the departure of the ambassador from Washington.

Jackson's Message in December, 1836, speaks with well-affected surprise at the departure of the minister; but the government chose this very time to enforce certain claims which the United States had upon Mexico, and thus gave to Texas far more effectual assistance than the despatch of an army to coöperate with its riflemen against Urrea would have been.

As for Santa Anna, during his detention in Texas, he completely changed his opinions regarding Texian independence, and even wrote to Jackson, intimating his conviction that the question between Mexico and Texas had better be settled by negotiation, and involving the interference of the United

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States with that object in view. But Jackson was too well aware of Santa Anna's positions to commit himself to any dealings with him, or to act on his suggestion. Nor did the defeated and converted Dictator succeed better, when, having been set at liberty by President Houston, (to the intense disgust of such ardent patriots as General Green, of the Mier expedition,) he made his way back to Mexico *by way of Washington*. "He became an object of great interest," but he went away without having accomplished his purpose.

The recognition of the independence of Texas by the United States was not, however, long delayed. In February, 1837, the committee of foreign relations, to which the consideration of the passage in the President's Message relating to Texas had been referred, reported two resolutions, one for the recognition of it as an independent state, and the other for the establishment of diplomatic relations with it. And they were accepted by Congress before Van Buren was inaugurated as President. But the popular feeling in behalf of this measure had now risen to such a height, that in the Senate Calhoun declared himself in favour of the immediate admission of Texas into the Union, notwithstanding his severely literal principles of interpreting the Constitution on the powers of the general government. Benton, who always assumed the sponsorship of every movement of an ultra-Democratic complexion, and the championship of every Slave State measure, was rapt into the very sublime of oratory, although he regarded the independence of Texas as not yet established, and therefore to be recognised only provisionally and contingently.

After protesting against the "heartless calumny," that the war in Texas was "for the extension of slavery;" and maintaining that the origin of the revolt was as sacred as that which issued in the establishment of the United States; and giving a sketch of it as it appeared from his point of view; our enthusiastic Senator proceeded:—

"Just in its origin, valiant and humane in its conduct, sacred in its object, the Texian revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world. It shows that liberty, justice, valour,—moral, physical, and intellectual power,—discriminate that race wherever it goes. Let our America rejoice, let old England rejoice, that the Brassos and Colorado, new and strange names,—streams far beyond the western bank of the Father of Floods,—have felt the impress and witnessed the exploits of a people sprung from their loins, and carrying their language, laws, and customs, their *Magna Charta* and its glorious privileges, into new regions and far distant climes.

"Of the individuals who have purchased lasting renown in this young war, it would be impossible in this place to speak in detail, and invidious to discriminate; but there is one among them whose position forms an exception, and whose early association with myself justifies and claims the tribute of a particular notice ["from *me*," Benton would have said; for he did not mean that Houston's early association with him was the ground of the honour of "particular mention," he was thus conferring on him.] I speak

of him whose romantic victory has given to the Jacinto [In a note to this word the self-reported orator thus trifles, "Hyacinth; hyacinthus; huakinthos; water-flower."] that immortality in grave and serious history, which the disks of Apollo had given to it in the fabulous pages of heathen mythology." And then he told how Houston was ensign in the regiment in which he himself was lieutenant-colonel; and sketched that "military miracle," the combat of San Jacinto, increasing the wonder, however, by making the slaughter, the rout, the triumph, including the capture of the defeated general, the work of "twenty minutes!"

"A more fatal present," he said in conclusion, "could not be made than that of the future incorporation of the Texas of La Salle with the ancient empire of Montezuma. They could not live together, and extermination is not the genius of the age; and, besides, is more easily talked of than done. Bloodshed only could be the fruit of their conjunction; and every drop of that blood would be the dragon's teeth sown upon the earth. No wise Mexican should wish to have this Trojan horse shut up within their walls."

Texas, at the beginning of the revolt, had a population of some twenty thousand; only three thousand being Mexicans, and the rest Indians, Negroes, and American settlers. General Austin's colony alone numbered thirteen thousand. And these were spread over an area of above two hundred and thirty thousand square miles. The war must have checked the advance in this particular, though it could not counterbalance the joint effects of natural increase and immigration; and this number does undoubtedly seem remarkable when it is regarded as that of a state which has fought its way to independent sovereignty. In 1838 its inhabitants were estimated at sixty-five thousand, and in 1840 at a hundred thousand; so rapidly did emigrants pour into it, as soon as it was independent.

After the battle of San Jacinto, no event of a stirring nature occurred during the period under consideration. The Texian government, with all the formality of a regularly constituted republic, appointed its diplomatic agents to Washington and London; Messages and Reports, with due intermixture of debates, and Southern fire, illustrated its legislative sessions; and it was not without that sure sign of a respectable polity—a public debt. And on the 16th of November, 1840, a commercial treaty was concluded with Great Britain, and signed at London; by which the independence of the young state was recognised, and a perfect reciprocity of commercial advantages established. "It was hoped," says the chronicler, "that this would tend to bring about a reconciliation between Mexico and Texas, and cause a settlement of the boundaries of the last-mentioned republic, in which the former would acquiesce." And perhaps, too, it was not unnatural for Great Britain to consider the subdivision of the Transatlantic republics rather desirable than not, for her cause of constitutional monarchy; or might it not be the fact, that she thought it possible, by assisting in the erection of Texas into an independent state, to prevent its absorption into the Union?

Mexico, naturally enough, could derive little comfort from the ease with

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which both America and England consented to her dismemberment ; and the dispute with the former government necessarily contracted greater acerbity. Amongst the earliest incidents of Van Buren's Presidency we read of the capture of a Mexican brig of war, by the United States' sloop of war, *Natchez*, by way of enforcing a formal demand upon the Mexican authorities, for the release and surrender of six American vessels, captured by Mexicans. But diplomatic relations were soon resumed between the two countries, although no conclusion could be reached on the question of compensation for the claims put forward by the American government.

Foreign affairs under the Administration of Van Buren proceeded in the same track as under his predecessor. The most difficult problems had been solved by Jackson's energy and determination, and as the spirit of the new Democratic party towards Great Britain was friendly, the most fruitful source of external disquiet was stopped. It was a happy circumstance for both countries that the President's chair was occupied at this time by one whose policy towards the parent country was not animated by the suspicion and jealousy which the old Democrats and the founders of the Whig party had cherished ; for the troubles that now occurred in Canada could not then have failed to lead to *war*, with evil results that no human mind can measure.

We have so frequently had occasion to speak of filibustering expeditions prepared in the Southern States, and directed against the Spanish provinces, or the Mexicans in Texas, that this form of lawlessness must have appeared the special growth of that portion of the country. But in fact it was the weakness of the Spanish authorities that developed it there ; and as soon as the British authorities in the provinces north of the United States seemed, by a rebellion, to be so much shaken as to be unable to repel filibustering attacks, from all quarters there assembled on the northern frontier of the States adventurers of the same kind as had harassed the Floridas, declared Texas a republic, and rivalled the old Buccaneers of the Spanish main in their own waters. And it will not surprise us that such should be found in the respectable and orderly regions of the North, if we recollect the carrying off of Morgan, the relapsed Freemason ; and the prejudice against the legal administration of justice, and contempt for constituted authorities, exhibited too often even in that portion of the country.

When the troubles in Canada began, and were discussed in the British parliament, John A. Roebuck, who was in favour of the "Patriot" party, threatened the government with the active sympathy of the United States. "In America," he said, "you will be held up as the oppressors of mankind, and millions will daily pray for your signal and immediate defeat. The fatal moment will at length arrive. The standard of independence will be raised. Thousands of Americans will cross the frontier, and the history of Texas will tell the tale of the Canadian revolt." And it was well known that one of the traditions of the Democratic party in the United States affirmed the inevitable necessity for the annexation of the Canadas, so that not only might filibustering expeditions be expected, but they would give expression to the secret

views of so large a proportion of the population of the Union, that no very strenuous efforts to suppress them could be anticipated, had the general government possessed ten times its strength, and been wielded by a man of Jackson's indomitable energy.

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As soon as the projectors of this "private war" with Great Britain made their appearance on the St. Lawrence, and began to make preparations for affording armed "sympathy" to the Canadian rebels, the governors of New York and Vermont issued proclamations, "exhorting their citizens to refrain from any unlawful acts within the territory of the United States;" and the President directed certain "civil officers of the United States to visit the scenes of commotion, with a view of impressing the citizens with a proper sense of their duty." But the armament proceeded for all that; the filibusters carrying on their preparations in open day, and assuming that the authorities and resources of the States were both equally at their command. Their activity being constantly stimulated by the presence of the fugitive rebel Mackenzie, and by the knowledge that Papineau, who had commenced the revolt, was at New York, watching the progress of events in the province.

On the 13th of December, 1837, a party of the "Sympathisers," under the command of an American named Van Rensselaer, took possession of Navy Island in the Niagara river, which they fortified as well as they could. Colonel M'Nab, with a body of militia, was immediately posted opposite to this island, with instructions to keep on the defensive, and to be especially careful not to violate the American territory. From their post the filibusters soon began to cannonade all that was within range on the Canadian shore, but without effecting much mischief. After this, finding that most of the supplies for the island were conveyed by a small steamer, named the "Caroline," from a landing place on the American side, called Fort Schlosser, M'Nab despatched some of his militia in boats to take or destroy her. This they accomplished in the middle of the night of the 29th and 30th of December, after a short but desperate struggle, in which they killed or drove out of the vessel all the crew, and, having set it on fire, let it drift down the rapids and over the Falls of Niagara.

The reports of this affair, which were spread with astonishing rapidity all over the Union before authentic information could be obtained, were intentionally exaggerated, in the hope of leading both the nation and the government to commit themselves in favour of the struggle against the British authorities in Canada. The mildest form of this rumour was contained in the President's Message to Congress about it; wherein it was designated "an outrage of a most aggravated character, accompanied by a hostile, though temporary, invasion of our territory." In other quarters the "Caroline" was represented as a peaceable, unarmed vessel, with women and children on board; and the attack as made in sheer brutality, the inoffensive and unresisting passengers being partly murdered and partly sent over the Falls in the burning ship. The "American Almanac," usually a very respectable authority, states that "of thirty-four Americans on board, twenty-

CHAP. two lost their lives; the boat was set on fire, towed into the current with a  
 III. part of the men on board, and precipitated down the Falls." These fictions  
 A. D. 1829 (for there was *only one American citizen killed* in the attack, and, so far  
 to 1841. from being unarmed, they severely wounded some of the assailants,) showed  
 plainly enough that, as Van Buren's Message said, the affair had "produced  
 the strongest feelings of resentment on the part of our citizens in the neighbour-  
 hood, and on the whole border line."

Forsyth, Secretary of State, writing to the British minister at Washington in the first moments of irritation, and before correct particulars had been ascertained, called it "the destruction of the property, and the assassination of the citizens, of the United States;" and added, that "the President has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make it known [to the envoy,] that if it should occur, he could not be answerable for the effects on the neighbouring people of the United States." The President might, and the Secretary ought to, have remembered Jackson's campaign in Florida, and his capture of Pensacola, and General Gaines' occupation of Nacogdoches, before indulging in these covert menaces. These proceedings would then have appeared more consistent throughout, and they would not have had to change their tone altogether, and assume a very different attitude, when the facts of the destruction of the *Caroline* became known to them.

What the Executive forgot, Members of Congress recollected, and, in the debate which the President's Message was followed by, Rhett, a Representative of South Carolina, and Menefee of Kentucky, maintained the common sense view of the affair with admirable temper and skill; and after some disagreement concerning the details, both Houses concurred in the passage of an Act for the preservation of the neutrality of the Union, which authorized the disarming and dispersion of such assemblages as those which had been collected on the Northern borders.

Van Buren also—though tardily, and with an expression that made it nothing more than an *amende* to the British government for his mistaken patriotism about the *Caroline*,—emitted a proclamation on the 5th of January, 1838, exhorting the filibusters to "return peaceably to their respective homes," and warning them "that any persons who should compromise the neutrality of this government, by interfering in an unlawful manner with affairs of the neighbouring British provinces, would render themselves liable to arrest and punishment under the laws of the United States, which would be rigidly enforced; and also would receive no aid or countenance from their government, into whatever difficulties they might be thrown by the violation of the laws of their country, and of the territory of a neighbouring and friendly nation."

The corps of observation which Forsyth threatened to send to keep the British from burning another *Caroline*, was now directed to go to operate as a check upon the filibusters, if such men were capable of being acted upon *morally*; for in no other way Poinsett, the Secretary of War, painfully confessed in his instructions to their commander, General Scott, could they act.



“The Executive possessed no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating our laws, by making incursions into the territory of neighbouring and friendly nations, with hostile intent.”

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Surely the restriction by the Constitution of the power to levy war, to the general government, involved all the necessary conditions for the exercise of that function. We cannot imagine General Jackson suffering such instructions to be sent to a military commander ordered on any special service. Nor can we escape the conclusions to which the Duke of Wellington gave utterance a year afterwards, in his place in the British Legislature. “Such a private war,” he said, “was unknown in any other part of the world; the history of barbarian nations might show similar instances, but such wars had never until now occurred between civilized men. Unless vigorous steps were speedily taken, the province of Upper Canada would be treated much as Texas had been. Without entertaining any doubt of the intentions of the President of the United States, he could not but feel regret, when he saw American citizens coming armed into the British territory; armed, too, with cannon belonging to the United States; nor could he avoid feeling surprise, when he was assured that it was out of the power of that government to prevent such transactions. There could, he conceived, be no doubt but that the civil government of any country was capable at any time of preventing the collection of bodies of troops within its territory for the purpose of invading neighbouring states; but here they saw the United States’ government sitting down quietly, and taking hardly any notice whatever of the invasion of the British provinces by its citizens.”

Finding the number of desperadoes on Navy Island increasing continually, the British collected a sufficient force to dislodge them, but instead of awaiting an assault they evacuated the post on the 14th of January. Their leader, Van Rensselaer, was arrested as soon as he returned to the American shore, and held to bail; and the arms, cannon, and military stores, which had been taken from the public arsenals, were taken possession of by the proper authorities. But although they disbanded at this point, they quickly resumed the offensive; and at Detroit, Sandusky Bay, and the north-eastern end of Lake Ontario, they made harassing demonstrations of hostility, without displaying in any single instance a redeeming feature of valour.

In the beginning of March a body of “Patriots,” or “Marauders,” as they were more properly named, six hundred in number, under the command of Dr. Robert Nelson and Colonel Cote, surrendered near Albury Springs, in Vermont, to General Wool of the United States’ army. “The disturbing forces being dispersed,” says the Chronicle of the American Almanac, “the frontiers are now stated to be tranquillized.” But this proved to be a great delusion.

After a short cessation from these scandalous attempts at invasion, at the end of May they were commenced again. One band of filibusters boarded a British steamer, lying at an American wharf in the St. Lawrence, robbed the

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passengers of their money and valuables, and, having forced them ashore, set fire to the vessel and abandoned it. Another party surprised and captured a small troop of cavalry belonging to the province. On the 12th of November, —preparations having been carried on, without any pretence of disguise, all through the summer,—an attempt was made to take Prescott, in Upper Canada, by a body of "Sympathisers," about five hundred in number, carrying with them several field pieces; who were repulsed by about an equal number of militia and regulars; and a few days afterwards the remainder of the invading force, which had retreated to a windmill, was attacked and routed; above a hundred and fifty, (most of whom were natives of the United States,) being made prisoners, were taken to Kingston to be tried by court-martial.

Five days after this expedition was crushed, the President issued a second Proclamation, calling upon the filibusters to abandon their intention, and warning "all those who had engaged in these criminal enterprises, if persisted in, that, to whatever condition they might be reduced, they must not expect the interference of this government, in any form, on their behalf; but would be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that government whose dominions they had, in defiance of the known wishes and efforts of their own government, and without the shadow of justification or excuse, nefariously invaded."

Notwithstanding which exhortations and appeals, on December the 4th, some four hundred of these brigands landed near Sandwich, in Upper Canada, burned a steam-boat, set fire to some barracks, committed several inhuman murders, and then were precipitately routed by the militia.

It deserves notice that some persons at Oswego, in New York, got up a public meeting to concert measures in behalf of "the infatuated young men who had forfeited their lives to public justice, by a participation in the late scenes at Prescott, on the St. Lawrence." The letter they addressed to Colonel Dundas expressly disclaimed the consideration of their being American citizens, and urged their youth and inexperience, and their being "beguiled" into the outrage which had ended so fatally for them. Colonel Dundas, in reply, offered no hope beyond that of "a prompt and just administration of the law;" but in the end only nine of the near two hundred prisoners, taken at Prescott and Sandwich, suffered death; the greater portion (a hundred and forty) being pardoned, and the rest confined in Canada, or other places of security, for various terms.

Van Buren thus, in his Message of December, 1839, celebrated the cessation of the rebellion:—"Within the provinces tranquillity is restored, and on our frontier that misguided sympathy in favour of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction, strongly opposed to all intermeddling with the internal affairs of our neighbours. [We must caution our readers against supposing that this is a *historical* document; it is merely a "*State-paper*;" and we introduce it that

the true nature of the remarkable annual addresses called Messages, may once more be made apparent.] The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavouring to improve the political condition of mankind. [Except for those who seek the advancement of the African race. We wonder the President should have omitted this cardinal fact.] This generous feeling they cherish toward the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbours.

"But it does not belong to their character, as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith towards foreign nations. [It is strange that Van Buren should write thus at the time; no one *now* can repeat his words.] If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observations, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law."

As if to afford a practical comment upon this eulogy of the American people, and at the same time to illustrate the representations we have made of the different spirit actuating the judicial branch of the government; in January, 1841, one Alexander M'Leod, of Upper Canada, being in the State of New York on business, was arrested by the authorities, on the charge of being concerned in the burning of the *Caroline*, which we related above. He was at first admitted to bail, but when that was known such excitement pervaded "the inhabitants of Lockport," that the bondsmen *withdrew the bail* they had given, and M'Leod was put into confinement to await his trial. A brisk correspondence between the ministers of the two countries ensued, with much frescent oratory in Congress, and Messages cautiously worded; till a grand jury found a bill against M'Leod for *murder*!

Not till a new Administration had been inaugurated, and death had thrown the management of the affairs of the Union into the hands of yet a third President, was this trial concluded. And the interval afforded only too good an opportunity for the cultivation of all the hostile feelings that Van Buren had so smoothly disowned. On October the 12th, 1841, the affair was at last terminated, and M'Leod was acquitted, an *alibi* having been clearly proved. To this part of the scene it may be needful to return.

Belonging to this subject of the Foreign affairs of the Union, we may notice here the acceptance by Congress on the 1st of July, 1836, of the trust offered to it by James Smithson of London, in England, of employing £100,000 in the establishment of "the Smithsonian Institution," at Washington, "for the Increase and Diffusion of Knowledge amongst men;" and the fitting out and despatch of the first American Exploring Expedition, on the

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CHAP. 19th of August, 1838, consisting of two sloops of war, a gun brig, another  
 III. vessel, and two schooners, with an admirable complement of scientific men;  
 A. D. 1829 which indicated a determination on the part of the United States to stand in  
 to 1841. new and nobler relations with the other members of the great family of nations, and to endeavour more fully and satisfactorily to fill up their place in the world. May the augury be but fulfilled!

## CHAPTER IV.

NORTHERN OR FREE STATES — MICHIGAN STATE. — IOWA AND WISCONSIN TERRITORIES. — STATE CONSTITUTIONS AMENDED. — INTER-STATE CONTROVERSIES. — LOCAL AND SECTIONAL AFFAIRS. — THE PRESIDENT'S TOUR. — MR. CLAY'S TOUR. — JOHN QUINCY ADAMS A REPRESENTATIVE. — ANTI-MASONIC PARTY. — INDIAN REMOVAL. — ANTI-SLAVERY AGITATION. — TEMPERANCE LEGISLATION. — COMMERCE AND MANUFACTURES

CHAP. WERE any thing wanting to complete the proof of the intrinsic importance  
 IV. of the sketches of local or State progress, such as we have offered to our  
 A. D. 1829 readers in distinct chapters like the present, it could be found in the candid  
 to 1841. admission of the powerlessness of the general government to prevent filibustering, without the most active coöperation of the State governments, which we heard from the Secretary of War, when directing General Scott to take up a position on the northern frontier. And yet it seemed probable, when Andrew Jackson assumed the Presidency, that so imperious an Executive would not a little diminish the power of the State governments. He in fact weakened Congress, and the Judiciary, but he could not secure to the Chief Magistracy an amount of power, which the occupant of that post could not obtain and exercise by his own strength; and in consequence, when he was succeeded by such a man as Van Buren, it proved that the central government was altogether weaker, and the State governments correspondingly stronger, than they ever were before. This will be seen in the subsequent part of our story; wherein we shall have to tell how the force of the narrower interests more than ever before regulated both the subjects taken up by Congress, and the conclusions arrived at; and to show that if, as it has hitherto been, the *measures* have been *national*, the *spirit* has been more and more *sectional* and *partisan*. And therefore it becomes more needful to indicate in these chapters the nature and direction of the progress of the States severally, or sectionally, considered.

Of Michigan Territory, and how the provisions of the ordinance of 1787 were set aside in its favour, we have seen in our earlier Books. It was not

till about the year 1832 that emigrants began to pour into this region in great numbers. And it was the steam-navigation of the Lakes and the Mississippi that now opened it to the adventurous spirits of the Eastern States and of the Old World. Such facilities for commercial enterprise, conjoined with immense tracts of the richest land, could not fail to attract to them settlers of the best description. In 1830 the population, exclusive of Indians, numbered less than thirty thousand; in 1834 it fell but little short of ninety thousand. In the following year clearings and farms multiplied with astonishing rapidity on all sides; the wigwams of the red men made way for the log-houses of the pioneers of civilization; and towns and villages took the places of settlements and camps. The battle-fields of the last war, and the scenes of many an engagement with the savages, were ennobled by other contests, and triumphs that were attended by no regrets. "Detroit, which in 1812 was a mere stockaded village, had now become a 'city,' with more than two thousand inhabitants."

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Under these circumstances, the desire for establishment as a State became irresistible. In the month of May, 1835, a convention met at Detroit, and framed a constitution on the model of those of the States lying nearest, and prohibiting slavery, lotteries, and the sale of lottery tickets; which was submitted to the people for ratification in the following October; and put into immediate operation. Congress, when applied to, required the adoption of a particular boundary line as a condition of the admission of the State into the Union; and the terms being accepted, it entered the Confederacy on the 26th of January, 1837, as the State of Michigan.

There was, on occasion of this application for admission, a slight spurt of slavery-discussion in Congress. In fact, the permission to frame a constitution was asked two years before, and not being granted, the polity was constructed and put in action, on the ground of the Ordinance of 1787 alone. There was no Slave-State prepared for its "majority" when Michigan first asked for the termination of its pupilage: but in 1835 there was Arkansas; and the Slavery-men in Congress endeavoured to throw up an advanced work in front of their new line of defence—"the Missouri Compromise," by pushing on the Arkansas bill, so that one principle set up by that "compromise" (that of *alternate admissions* from the two sections) being overthrown, it might be more easy soon to gain some decided advantage over the Free States. And hence it was that nearly two years elapsed between the framing of the Constitution of this State and its admission into the Union.

In the year 1836, that part of the former Michigan Territory which had been known as the Huron District, was erected into a separate Territorial government, as the Wisconsin Territory. It comprised the whole region from Lake Michigan to Lake Superior, westward to the Missouri, and southward to the States of Illinois and Missouri; and included all the sources of the upper Mississippi. Its population was estimated at about twenty thousand, and the settlements were chiefly situated on the western shore of Lake Michigan, and on the banks of the Mississippi. The extinction of the Indian

CHAP. title, and the extension of the means of communication, notwithstanding the  
----- erection of Iowa Territory out of it, raised its population in 1840 to above  
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Iowa District, at the time when Wisconsin received a Territorial government, contained more than ten thousand inhabitants; in less than two years later, they had increased to nearly twenty-three thousand. It was "the Black Hawk purchase" in 1832, which, opening this tract to settlers, produced this great influx of population. And so steadily did it continue, that in 1838 this District was divided from Wisconsin, and erected into the Territory of Iowa. In 1840 this section of the Wisconsin of 1836 had a population of above forty-three thousand.

Besides settlers from the States that were formerly the frontier of the Union towards the Western wilderness, who always form a most noticeable portion of every outbreak over new lands; and adventurers from the Atlantic States, (of whom the Quakers were the most remarkable;) there were vast numbers of European emigrants, especially from Germany, in this vast and rapid growth of population. Men of sturdy frame and resolute will, able to bear the hardships of a life in the wilds, and depending upon their own capability for toil, for the realization of a personal independence denied them in their fatherland, they flocked hither, and not to the South, where independence of a different stamp prevailed. The fact that a large proportion of the immigrants here were always mere "squatters," shows the hardy and determined spirit of these inland colonizers. Whilst the progress of the towns, and the appearance of newspapers, together with the absence of so much that had always characterized the frontier settlements in the Slave-section of the Union, as plainly indicate the superior kind of citizenship they introduced.

Nothing can show more instructively the essential peculiarity of the political system of the United States, than the facility with which the State constitutions are amended, revised, and even wholly renewed, and the difficulty attending any alteration in the Constitution of the Union. Year after year we have seen Jackson, when at the summit of his power, recommending an amendment which would, it appears, tend to reduce an aberrant feature in that scheme to the normal type of democracy; and yet unable to accomplish the change. But almost every chapter on the States and their progress severally considered, has contained some account of reforms in their instruments of government. For it is *in the States individually that the life of American politics lies*; and by rendering the State constitutions as complete and practicable as possible, more service is actually rendered to the nation, and more is done to maintain the Union itself, than by the best efforts to improve the general Constitution which could be made. We offer here, as always, only illustrations of amendments, &c., carried during the period now under review.

Pennsylvania, in the spring of the year 1838, by a convention held at Philadelphia effected some considerable alterations in its constitution. Whilst the general outline and fundamental principles were preserved, in its details



it was brought into close accordance with the democratic spirit of the age. The patronage of the governor was greatly restricted, the ratification of the Senate being required to give validity to all judicial appointments, and the choice of the county officers being given to the people. This was in direct opposition to the tendencies observable in the changes made in the general government, wherein we have seen the patronage of the Executive increased to a degree that threatened the disturbance of the balance of power. But the *spirit* was in both cases the same; and in another change now made, it was manifested in the same manner that had been attempted in Congress,—the term of judicial appointments was not now for life, or during good behaviour, but for five, ten, or fifteen years, in the several courts; so that in the administration of the laws, the action of the will of the people was more direct; and instead of being a realization of abstract justice, it was in effect no more than a shadowing forth of the popular notions of that great social bond.

It was not a good omen for the operation of the amended Constitution, that on the day appointed for the meeting of the legislature under the new frame of government, a dispute arose in the house of representatives respecting the returns from the county of Philadelphia, and so *two speakers* were chosen, and two houses organized! Encouraged by which,—for if the fountain of law and order be thus disturbed, the peace of the community must be imperilled,—a riotous mob took possession of the Senate-chamber, and when the members assembled, it was found impossible to proceed to business; so that they withdrew, and did not come together again for some days, leaving the mob in possession. It required all the exertions of the governor, aided by a strong force of militia, to restore order; but it was not till after three weeks that the representatives were properly organized, and then only by the determination of the senate to recognise one of the speakers and his house and to ignore the other.

Massachusetts at this time effected one alteration in its fundamental laws, which clearly implied that, brought to the test of experience, the secular patronage of religion was hostile to political liberty. The amendment was indeed only a step in the progress to the complete freedom which in matters pertaining to religion man ought ever to enjoy; but it was so important and it was carried by so large a majority, that we give it almost entire.

“As the public worship of God, and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government;—therefore the several Religious Societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their Pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses of public worship, for the maintenance of religious instruction, and for the payment of necessary expenses;—[by filing a written notice of withdrawal from any religious society, exemption from liability for grants or contracts made by it was to be obtained;]—and all religious sects and denominations demeaning themselves peace-

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ably, and as good citizens of the Commonwealth, shall be equally under the protection of the law;—and no subordination of any one sect or denomination to another shall ever be established by law.”

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This amendment of the constitution was voted, and, as we said, by large majorities, in the three consecutive sessions of 1831, 1832, and 1833, and thus became part of the organic law of the State; and the connexion between the Church and the State in that part of New England was thus definitively dissolved. Some other amendments concerning the commencement of the political year, and the number of representatives in the State legislature, we need not particularly speak of now.

Vermont, in the year 1836, by an amendment of its constitution, vested the supreme legislative power in “two co-ordinate branches,” instead of one, as heretofore, and made a Senate of thirty members part of its legislature; the details differing little from the constitutions of other States, characterized by the same feature. And these instances will suffice for the illustration of this element in the progress of the States severally, in this part of the Union.

We can only note the existence of inter-State controversies, mainly relating to boundaries; such as that, of which we have caught a glimpse, between Ohio and the new State of Michigan; and that between New York and New Jersey, of which we gave the particulars in the last Book.

Mention was made of the unsettled question of the north-eastern boundary in the preceding chapter; and it was then said, that the State of Maine was most of all desirous that no time should be lost in determining what was its border-line towards the British province. There had, in fact, been some unpleasant collisions between the State authorities and those of the adjoining governments. Citizens of Maine, cutting timber on the disputed territory, had had their timber seized, had been driven away, and even imprisoned, by the British agents; and subjects of the province had been treated by the agents of Maine in precisely the same manner. Angry correspondence had passed between the ministers of the United States and of Great Britain. Matters had been further embroiled by the course taken by the State authorities, who, not understanding the limit of their sovereignty imposed by the Constitution, had protested against the acts of the general government as warmly as they had against those of the British governors, and had caused quite as much embarrassment at home as they had to the opposite party in the dispute. Massachusetts, as having been mistress of the tract now the State of Maine, at the time of the conclusion of the Treaty of Versailles, (whence all the strife had sprung,) joined in the contest; and behind all, the angry denunciations of the misanglican party in the States were heard.

The local feeling excited (and it is with that we are most concerned now) may be understood by the perusal of the following resolution of the legislature of Maine, which was adopted in the session of 1833. “*Resolved*,—That no arrangement, provisional agreement, or treaty, already made, or that may hereafter be made, under, or in pursuance of, the resolve to which this

is additional, [one which had been passed in the preceding session, and provided by the submission of the anticipated treaty respecting the boundary to the legislature of the State, "*for approval or rejection,*" and which was by another resolution now passed, *repealed!*] shall have any binding force, effect, or operation, until the same shall have been submitted to *the people of this State*, in their primary assemblies, and approved by a majority of their votes." After which, the North could not, surely, complain of Calhoun's "Nullification" doctrine.

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The militia on both sides had been ordered out, and both the State and the province were put into a condition of defence. But as it was plain that this martial ardour was contrary to the feeling and intention of the national government, and as it rested with *them* to decide every point in dispute, it soon died away, and the State was contented to leave the decision to international negotiation.

New York, on this occasion, in its assembly, adopted a report upon the subject, in which occurs the following passage;—"We do not believe that enlightened and Christian nations, bound to each other in peculiar relations of feeling and interest, will unnecessarily suffer the harmony existing between them to be interrupted. The committee believe that an expression, on our part, of concurrence in the policy of the general government will contribute to avert the calamities of war, and secure the speedy and honourable adjustment of the existing difficulties between this country and Great Britain." And we do not doubt that this expression did operate in the way intended; as the next Book will show.

Respecting Oregon, we have only to say here, that there was springing up amongst the followers of the party unfavourable to England a strong feeling of dissatisfaction, which the inconclusive negotiations about the north-east boundary very powerfully aided. But within the period now before us no steps were taken to set aside or disturb the arrangements settled by the convention of August, 1827, by which the territory was jointly occupied by Great Britain and the United States.

These, however, were not the most stirring affairs proper to these regions, or respecting which the people of the North most characteristically displayed their energy and their political views. During all the time that the Nullification agitation was proceeding, and whilst the great statesman of the South was fighting against the favourite dogma of the manufacturing and mercantile States, *protection*, with all the force of South Carolina, nerved with the determination to secede rather than succumb, numerous public meetings and the State legislatures supported the government with warmly worded resolutions, and no small effervescence. When relating the long and wearisome Bank War of Andrew Jackson, many glimpses were afforded of the local action of these States upon that important subject. But we could not then show how the State legislatures, in their debates, did but mirror the central Legislature. The following notice of what was done in Illinois will sufficiently indicate this feature of these terms.



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The session commencing "in December, 1836," says Wheeler in his "History of Congress," when speaking of Judge Douglas, "was a very important session; perhaps more so, in its consequences, than any that had occurred in the annals of the State. The same causes which had produced the wild mania of speculation, over-banking, and over-trading in other States had pervaded the whole West, and were then in active operation in Illinois. The banking capital of the State was more than doubled during that session; the number of banking houses was increased, and their powers and privileges extended in the same proportion. The State became a joint partner in these institutions, and subscribed more than one-half of the capital stock, while the individual stock-holders retained the preponderance of power in all the directories. The banks were made the fiscal agents of the State in receiving, keeping, and disbursing the revenues and school fund of the State; and, in short, the alliance of Bank and State was complete. \* \* \* Next to the banking system, the question of internal improvements was the most important that came before the legislature during that session."

Looking over the lists of statutes enacted by the various State legislatures now, we find some that may serve to explain the phenomenon of American self-government, so as to bring it into its proper place in the philosophy of History. The legislation of Congress strictly to be in accordance with the theory of the Constitution, should be concerned with national affairs alone. That is to say, it should deal only with affairs belonging to all the States in common, with the relations of the States, and with the foreign relations of the Union. And were this all the legislation of the United States, the people might be regarded as *self-governed*, in the most literal signification of the phrase. Much, however, that in other constitutional countries is the work of the general government is here assigned to the State legislatures, who are also charged with much that in those other states is left to the local or municipal authorities. These State enactments, as they concern the people of the States severally alone, do not attain greater publicity than do (for example) the local Acts of Parliament in Great Britain, or the regulations made from time to time by the local magistracies there. And thus it seems that the citizens of the United States are left more largely to their own personal discretion, in their civic and other relations, which are the field for the operation of law, than the subjects of the other countries we refer to. But it only *seems* so; for in fact, setting aside (as we are bound to do) the frequent occasions on which, in the United States, the laws are violated with impunity, and the exercise of the judicial functions usurped by the mob, the American citizen is surrounded and sustained by as complete a net-work of statutory enactments as the dweller in any of the lands of more stinted liberty.

Confining our selections to the sessions of 1831-2, and 1832-3, (for we intend no more than the illustration of the subject,) we find laws passed in Maine to encourage the destruction of bears, wolves, wild cats, and loup-cerviers; to inflict a fine upon all persons passing over certain bridges at a faster pace than a walk; prescribing the mode of appointing guardians of the

estates of spendthrifts ;—in New Hampshire, granting premiums for killing bears, wild cats, foxes, and crows ; regulating the sawing and sale of sawed clapboards and shingles ; and the mode of putting pine timber into the Connecticut river ;—in Massachusetts, gambling in licensed taverns was prohibited, and lotteries, and the sale of lottery tickets ;—Connecticut passed a game law !—in Vermont there was a law made to encourage the destruction of bears ; and another was devoted to foxes ; a private act restored “ a person to the enjoyment of the privileges of which she had been deprived by a conviction of theft ; ” and a public act forbade the disinterment, or disturbance, of the remains of the dead ;—and in New Jersey the appointment of a reporter in the State courts was effected by an act passed for that special purpose. These examples will suffice for the exhibition of the minute character of the State legislation, and its affinity to certain departments in the legislation of other countries in which self-government does not exist.

From the “ History of Congress ” before quoted we may quote these Resolutions, which were intended to formalize “ the Democratic principle ” for election purposes, and will afford us another aspect of national matters, as viewed from the ground of a State. They were the work of John A. M'Clermand, of Illinois.

“ *Resolved*, ” said they, “ that the Democratic principle is founded on an imperishable basis of truth and justice, and perpetually striving to sustain society in the exercise of every power which can promote human happiness, and elevate our condition ; that instead of warring against order, and encroaching upon the privileges of others, the spirit of Democracy maintains an active principle of hope and virtue.

“ *Resolved*, that we recognise no power but that which yields to the restraints of duty, and is guided by mind ; that we only seek to obtain influence by means of free conviction ; that we condemn all appeals to brute force and the exercise of violence, [we invite special attention to these expressions,] and that our only means of persuasion are reason and truth.

“ *Resolved*, that our first aim is to connect our party with the cause of intelligence and morality ; to seek the protection of every right, consistent with the genius of our institutions, and the spirit of the age. [These exceptions should surely not have been inserted.] We desire to extend moral culture, and to remove, as far as possible, all inequalities in our [and this word unhappily excludes the enthralled race in the United States from all participation in these fruits of the Democratic principle !] human condition, by embracing all improvements which can ameliorate our moral and political state.”

This, however, will not show so plainly the direct action of any State upon national politics and parties as the story of the origin of the designation *Loco-foco*, for the extreme section of the Democrats.

In New York, so runs the tale, as in other Northern cities and States, in the year 1835, there was a division in the camp of the dominant party ; for many, as we know, were opposed to the reckless way in which the President had been attacking the Bank, and in it all the interests of the country that

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required *capital* for their maintenance and development. Opposed to these, there sprang up what was called "the working-men's party," and to Robert Dale Owen, (son of Robert Owen, the well-known projector of "Socialism," and a "New Moral World,") and Miss Frances Wright, also of Socialist tendencies, was attributed a considerable share in the creation of this party; which was manifestly a renewal of the protest and revolt of *labour* against *capital*, which so many ages and so many countries have in one or other form witnessed. The State elections of the preceding year had furnished the occasion for the segregation of those ultra-Democrats, who denounced banks, monied institutions, and indeed all embodiments of the power of *capital*, as "monopolies;" and the working-men, who were the staple of the party, rejoiced in calling themselves "Free-trade men," "Hard-money men," "Anti-monopolists," and to proclaim "Equal Rights" as their watchword.

The movements of this party were at first conducted with great caution and secrecy; the position of the leaders of it being such as to render the success of any open attempt to give effect to their views exceedingly questionable. But in the fall of 1835, they felt themselves strong enough to oppose the nomination of certain candidates for Congress and for the State legislature, in the city of New York; and at a meeting which had been summoned at Tammany Hall, on the evening of October the 29th, for the purpose of adopting a Democratic ticket, the decisive effort was made. In the choice of a chairman, the existence of a fatal schism in the party was disclosed; and as the supporters of the Bank came out of that struggle victoriously, they resolved to adjourn the meeting, and extinguished the lights, to render the prosecution of the business in hand hopeless. But their opponents had come prepared for that manœuvre, and as soon as they found themselves in darkness produced their *loco foco* (or *in loco foci*) matches, and relighted the Hall; then instantly turning to account the abdication of the "monopolists," they put their own leader in the chair, passed sundry resolutions against banks, paper money, and other such like things, and carried unanimously an "Equal Rights" Democratic ticket. Although they achieved this success, they were only a minority in the State, and could not give more than four thousand votes at the ensuing elections; but they were determined, their principles were almost all negative, and the name "Locofocos" (which their clever trick procured them) gave them *éclat*; and so they grew in strength continually; until, after a few years, "Democrat" and "Locofoco" were for all practical purposes synonymous.

Of merely local party names we have given some examples, but it would be impossible to record them all, so trivial and short-lived are the most of them. Yet two may be mentioned here, which, like *Locofocos*, commenced in New York, but although they did extend, in time, beyond it, did not pass into national circulation. *Barn Burners* was the title given by the conservative party to their more successful rivals, who, they said, imitated the Dutchman who burnt his farmstead to destroy the rats that infested it; and they received in return the designation of *Old Hunkers*, one in which there is more



feeling and more of humour; and which would seem quite as appropriate, could we show *how large a portion* of the public property, in the shape of offices, appointments, contracts, &c., this respectable party had gotten for itself.

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How there sprang up an Anti-Masonic party, has been related in the last Book; we related there the attempt made to convert the excitement about Morgan's affair into political capital, and how utterly the attempt failed, the exciting cause being inadequate to the production of sufficient agitation at any considerable distance from Fort Niagara. Yet in New York State, in Vermont, and even in Pennsylvania, the feeling rose to a very considerable height, as the State elections showed. After thus causing much sectional stir, the party sank into insignificance. But about the same time we first catch sight distinctly of the anti-Romanist and anti-Irish feeling, which has acquired so much prominence since, as the basis of the "Know Nothing" party.

We noted in passing, in the first chapter of the present Book, that, as if in disproof of the jealous fears entertained by Jefferson respecting the corruption of the pure simplicity of republicanism, by such "forms of monarchy" as levées, progresses, and similar pomps, Andrew Jackson,—the most undoubted Republican of all the Presidents, (in Jefferson's sense,)—himself undertook a "progress;" and as soon as he was inaugurated for his second term of office made a tour through part of the Middle and Eastern States, that he might return thanks to his unexpected partisans, and secure them (if the thing could be done) for his party for ever. Setting out at the beginning of June, he went by New York to Boston, and was received in every place with the most marked enthusiasm. New England forgot its gravity as it assisted at the ovation of the hero of Tennessee. But though the commercial section of the Union showed itself thus delighted to honour the arch-enemy of the Bank, he did not forget himself; during this very tour he planned that *coup de grace* for Nicholas Biddle,—the removal of the deposits; and we are not far from the fact, in ascribing the sudden termination of the "progress," and the hasty return of the President to Washington, to the obstinate refusal of the Secretary of the Treasury to lend himself to this manœuvre. This part of the story has been related, and we may direct such of our readers as are minded to see the other portion of it, sketched with the finest humour, and not a greater neglect of facts than was requisite for the design of the writer, to the Letters of Major J. Downing.

Van Buren's visit to New York, in the course of his Presidency, though much spoken of by his eulogists, does not require notice here.

Instead of this, we will glance at Henry Clay's "Eastern Tour," made in the same year as Andrew Jackson's "progress" through the same parts, and certainly with the design of affording Jackson's opponents the opportunity of making a manifestation against him and his already appointed "successor." We pass over, as needing no formal confutation, the allegations of Clay's biographers, that no political demonstration was intended; and that accident

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alone gave to the tour the special shape it took. It is well known that, for one so eminent as Henry Clay, and so ambitious of serving his country in the highest office, there was no means of canvassing so effectual as securing a "*pronunciamento*" in his favour in the East; so thither, in the fall of 1833, he went. And by way of giving greater distinctness and emphasis to it, he went by way of Baltimore, Wilmington, Philadelphia, and New York, and was fêted and addressed at every halting place, addressing his admirers in return in a manner conceivable by us all, without particular description.

Massachusetts and Boston, as the chief objects of the tour, of course received the largest share of attention. But it would be endless to tell of the politeness of the President of the New York and Boston Steam-boat Company;—of the addresses of the young men of Boston, and of the senior citizens, headed by that William Sullivan whose "Familiar Letters" have laid us under so many obligations to him;—of his visit to ex-President John Quincy Adams; and his speech from a platform on Bunker Hill; of his inspection of the Navy yard, and presentation with "an imitation volume, wrought from the timber of the frigate Constitution, and labelled 'Old Ironsides;'" of the ambuscade into which he fell at Faneuil Hall; of his visit to Lowell; of another presentation of "a pair of silver pitchers, with appropriate devices, weighing a hundred and fifty ounces," from the young men of Boston, and his "captivating address," thereupon; and all the long &c. &c. to the "superbly mounted and highly finished rifle" presented to him at Troy, New York, by the young men there; and the "six milk-white steeds" that drew him from Newark to New York; and his arrival at Washington in time for the opening of Congress. Hear what the gratified statesman himself said of his "triumph:"—

"My journey was full of gratification. In spite of my constant protestations that it was undertaken with objects of a private nature exclusively, and my uniformly declining public dinners, the people every where—and at most places without discrimination of party—took possession of me, and gave enthusiastic demonstrations of respect, attachment, and confidence. In looking back on the scenes through which I passed, they seem to me to resemble those of enchantment more than real life." And yet, alas! it did not lead to the Presidency; it *was* "enchantment," and not "real life."

Our mention of the ex-President reminds us of that illustrious citizen, whom we promised to speak of again, when we saw him descend from the coveted elevation of the President's chair,—without word, or thought, or feeling of chagrin, accepting the *fiat* of the people. It was most characteristic of the man, and of his quarter of the Union, that when, two years afterwards, he was chosen as Representative by his native State, he as cheerfully undertook the task. His eulogist not unfairly says of his entry into the Hall of the Representatives, that "it presented a singular spectacle to behold Members of Congress, who, when Mr. Adams was President, had charged him with every species of political corruption and loaded his name with the most opprobrious epithets, now vying with one another in bestowing upon him

the highest marks of respect and confidence." And yet it was humiliating to think of men, who could so lightly fling about such grave accusations, being in the national Legislature; nor could their demonstrative reverence be construed as the fruits of penitence for those misdeeds.

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He was at once appointed Chairman of the Committee on Manufactures, and he was the most indefatigable of all the Members of the House in the fulfilment of the duties of his post. Early and late, as if he were determined to show that he considered any post of duty in the state one of honour too exalted to let in one thought of self-indulgent ease, he was to be found at his desk; his voice and his vote were always given in favour of the measures which he regarded as the largest and best in their bearing upon the country; and whilst he was in general and on principle a Whig, he never hesitated a moment to support the Administration, if it seemed to him that the honour and good of the nation were best to be served by so doing. In particular he distinguished himself as the undaunted servant of the cause of freedom for the African race. All petitions on slavery he would present; though he himself, as he said, considered no prayer constitutional, except for the abolition of the *slave trade* in the District of Columbia. One scene from this portion of his life we have already presented to our readers, and from that they can see that it was not always an easy or a pleasant task that he had set for himself; many another is upon record, which showed what nerve was required, and how much *prestige* in Congress, to do even what he undertook. Yet, desirous of enlarging this field, he proposed, as Amendments to the Constitution, in February, 1839, these three Resolutions:

"First, that From and after the 4th day of July, 1842, there shall be throughout the United States no hereditary slavery; but on and after that day, every child born within the United States, their territories, or jurisdiction, shall be born free.

"Secondly, that With the exception of the territory of Florida, there shall henceforth never be admitted into this Union any State, the constitution of which shall tolerate within the same the existence of slavery.

"And Thirdly, that From and after the 4th day of July, 1845, there shall be neither slavery, nor slave trade, at the seat of government of the United States."

Very justly does the eulogist of Adams blame the slave-holding Representatives for resisting the consideration of these Resolutions. We record them here, as our testimony in his behalf against their injustice, and want of confidence in the honesty and rectitude of their own cause.

One other notice of the name of this pure-minded patriot must occur in a subsequent Book; and others may perhaps be called for; yet here we can best point out this example of devotion to the commonwealth, which, had not Washington lived, would have been singular in the annals of the United States; and which we cannot rate a whit below the magnanimity displayed by "the Father of his Country," in his retirement. For the rarest of all manifestations of public virtue is disregard of etiquette, and diligent zeal in



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the discharge of duty in a lower grade, by one who, like John Quincy Adams, had occupied the most illustrious station which his fellow-citizens had to bestow.

It was not in the older States of the North that any trouble, for many a long year, had been occasioned by the Indians; and but a few remained within their limits. The State of New York purchased of the Christian portion of the Oneidas their lands in the country of Madison, and they removed to the new settlement of their tribe, at Green Bay, in Michigan. New Jersey exceeded by far the usual comity of the white race towards the sons of the forest; for, notwithstanding the abandonment of the fisheries in the bays south of the River Raritan, by the Delawares, who had consequently lost all claim to compensation, the State legislature procured a formal release of them to the State, and gave to the tribe, who were also settled at Green Bay, a fair remuneration for their claim,—“as an act of voluntary justice, as a memorial of kindness and compassion to the remnant of a once powerful and friendly people, and as a consummation of a proud fact in the history of New Jersey, that every Indian claim, right, and title to her soil, and its franchises, have ever been acquired by fair and voluntary transfer.”

But not all the dealings with the Indians were thus pacific. The passage of an Act for removing the Indians beyond the Mississippi in April, 1830, seemed to those who were impatient for the full occupation of the lands which the red men had held so long, to justify all measures for evicting them. In 1830 a treaty was concluded with the Sacs and Foxes, by which they ceded their lands to the United States, and agreed to remove to the western wilderness. Barbarian-like, however, having received the compensation, they showed no haste to fulfil their part of the conditions, and still lingered in the lands they had given up. Reynolds, the governor of Illinois, by one of those freaks which the possession of power, under no definite responsibility, is apt to occasion in persons of certain temperaments, chose to construe this as an *invasion* of the State; and as he was bound to protect it from this, he called out some seven hundred militia, and ordered them to march the Indians over the border. And the officer in command of the United States' troops in that quarter, fearing a hostile collision between them and the militia, joined the latter, so as to compel the natives to give way by the display of overwhelming force.

We must pause to observe the fact, that, according to the “American Annual Register,” it was the “unjustifiable interference” of the State governor “with the peculiar duties of the federal government” that “compelled” this officer to act thus;—showing, that if the local authorities are resolved upon acting illegally, the federal authorities not only do not regard themselves as bound to resist, but consider it their duty to assist in the wrong doing, lest the others should suffer in consequence of their irregular proceedings. It remarkably illustrates the question of the adjustment of the balance of power between the local and the general governments.

The leader of the evicted Indians was the afterwards celebrated Black Hawk,

and he at once resorted to the only practicable means of revenge—predatory and hostile ravages in the frontier settlements; whilst he prepared for a more formidable retaliation. In March, 1832, he assembled his own tribes, the Sacs and Foxes, with Winnebagoes, to the number of about a thousand in all, and crossed the Mississippi into Illinois. All was dismay; the settlers nearest the point of invasion fled, and a brigade of militia, ordered out for their protection, by no means appeased the alarm. By June, however, the federal commander there, with his own force, and about three thousand mounted volunteers, took the field, and Black Hawk withdrew his warriors into the swamps, which were their fortresses, and trenches, and ambuscades, at the same time; and he extended his murderous incursions over the whole of the north-western most advanced settlements.

General Scott was thereupon ordered to lead eleven companies of infantry and nine companies of artillery against the savages; and with the utmost promptitude, undeterred by distance, and although his force suffered severely from cholera, he marched to Chicago. The same spirit actuated the army already in the field; for, finding that they could not be reinforced by Scott's troops, they penetrated into the lurking-places of the Indians, on the 21st of July inflicted a decisive defeat on them on the banks of the Wisconsin, followed them up, and once more, and yet more disastrously, routed them, near the mouth of the Iowa, on the left bank of the Mississippi, on the 2nd of August; and Black Hawk and his small band of survivors having surrendered, on the 15th and 21st of September treaties were concluded with the Winnebagoes, and the Sacs and Foxes, by which they agreed to the cession of the remainder of their territory, and the Federal government to pay ten thousand dollars annually for twenty-seven years to the Winnebagoes, and twenty thousand for thirty years to the Sacs and Foxes, and to provide them with the means of improvement and civilization. And thus was peace restored.

It will not be necessary to give in detail all the treaties by which the various tribes residing in the north-western region of the original territory of the United States ceded their lands, and accepted, instead, lands to the west of the Mississippi, with annuities and other "considerations;" in fulfilment of the Act of Congress for the removal of the Indians beyond the great river. The examples related here and elsewhere will make the process sufficiently clear. Intercourse with the whites on the unequal terms on which alone the two races could meet; the want of plasticity in the character of the Indians; the supercilious superiority of the whites; the incapability of these communicating, or those receiving, more than destructive diseases, and habits yet more pernicious;—could lead to no other result, if any show of humanity was to be observed by the authorities of the dominant race. We have already observed upon the inadmissibility of a sentimental estimate of such a change as this. Practically, the only alternative was extermination: yet it cannot be denied that had a loftier principle than that barbaric one, of the mere superiority of their own race, actuated the Anglo-Americans; had they re-

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membered that though inferior as a race the Indians still were *men*, a happier issue than that of their complete extirpation from their ancient abodes, and removal to the western wilderness, might have been recorded here.

In the North, as we know, the Anti-slavery feeling was always growing stronger, in the hearts of those who looked at that perplexed and alarming question, from the ground of philanthropy and abstract right. Not so with the people generally. They but too faithfully adhered to the "compromise" they had entered into with the South. And in consequence,—for they had not the interest of "property" in the people of colour amongst them to counteract the effect of this cultivation of antipathy to them,—less and less humanity marked their dealings with them, and their handling of the problem of emancipation. We can only offer a few illustrations.

"An attempt was made to establish a college for educating coloured people at New Haven;"—it is from Connecticut itself we take this instance;—"but the inhabitants of that city met on the 10th of September, 1831, and after passing a preamble, [which we are sorry we cannot present to our readers, that they might see its nugatory and self-refuting character;] voted the following resolution:—"Therefore, resolved, by the Mayor, Aldermen, Common Council, and Freemen of the city of New Haven, in city-meeting assembled,—that we will resist the establishment of the proposed college in this place, by every lawful means." And, as the determining of what was the law rested with those who were thus resolved, we can easily understand the range of the "lawful means" that would be resorted to.

In the following year, in the Annals of the same State, we find the following entry. "Another act, which was severely censured in various ways, grew out of the circumstances which gave notoriety to the town of Canterbury, in reference to the determination of a Miss Crandall to establish in that town a school for the education of coloured females. The preamble recites, that attempts have been made to establish literary institutions for the education of coloured people belonging to other States, [but why "belonging to other States?" They were *free-men*, if they were "coloured:" had *Connecticut* two definitions of freedom?] which would tend to the great increase of the coloured population of the State, and *thereby* [wherefore?] to the injury of the people. It is therefore enacted, that any person who shall establish a school for the education of coloured persons now belonging to the State, [free-men, be it remembered;] or shall become an instructor in any such school, or shall harbour any such coloured person, for the purpose of being instructed, without the consent of 'a majority of the civil authority,' and of the select men of the town where such school is situated, shall pay a fine of a hundred dollars for the first *offence*, for a second two hundred, four hundred for the next, and so on. Another section renders any coloured person, who shall come into the State for the purpose of being instructed, liable to be removed."

This act was "severely censured" at the time; can our readers imagine the feeling with which it will be regarded by the people of Connecticut in



some conceivable future age, when its full signification shall be understood and admitted?

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New York also signalized its adherence to the "compromise;" but in a different way. In July, 1834, emancipation meetings were held in that city, as they had been in other cities of the Union. The promoters of these meetings were denounced as immediate Abolitionists, and advocates of "Amalgamation," and the mob thereupon attacked the houses and stores of the citizens who had distinguished themselves as abolitionists, gutted and plundered them; treated the churches which they were known to attend in the same manner; and then directed their violence against the stores and houses of the people of colour. The mayor, with a military force in addition to his ordinary "police," succeeded in suppressing this riot on the second night; but not before seven churches had been more or less injured, and twenty private houses; and at least as many poor black families had all their property destroyed; whilst many others had hastily carried off all they could, and sought safety in flight.

Not to be behind its distinguished neighbours, Illinois also at this time displayed a scene of outrage which has not often been surpassed in violence. Bordering upon Missouri, it seems that the mob there partook largely of the Slave State feelings, and the habits of the West allowed only too fatal a freedom to the display of them. At Alton, in this State, one Elijah P. Lovejoy, a native of Ohio, and a young minister in one of the evangelical denominations, had established a journal, after much trouble endured elsewhere, and now not without difficulty, to advocate the cause of the bondsmen of the United States. It was called the "Observer," and it discussed the question of Slavery only incidentally. Three times was the office of this paper attacked and destroyed by a mob. On the third occasion, finding the authorities of the place either indisposed or unable to defend him and his property, the editor and some friends, having armed themselves, maintained the place against the mob, for some time, by the mere threat of using their weapons, if their lives were endangered. At last, after battering the doors and windows with stones, an entrance was forced, and the mob, armed likewise, rushed in. The editor and his friends fired, and were fired upon, and Lovejoy was shot dead beside his printing presses: one of the mob also was killed.

It must not be supposed, however, that these popular outbreaks were worse than the pro-slavery legislation of Connecticut. In reality they were not so bad; for in the action of a mob, the worst counsels of the most lawless men are always embodied, and much is done in the heat of the moment that was never contemplated even by those advisers. But no such excuse can be made for legislators sitting in calm deliberation, with time to view the subject on all sides, and in all its bearings. It is such cool, legal support given by the North to the "peculiar institution" of the South, rather than instances of mob violence, that affords the most undesirable augury concerning the influence of the North in purifying the Union from this its worst and foulest stain.

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Of the Temperance movement, which was almost exclusively confined to the northern half of the Union, and in its origin was of New England, we have spoken before. According to the Report of the Society, for 1835, there were more than eight thousand associations for the promotion of the object of the agitation,—the disuse of ardent spirits,—twenty-three of which were “State Societies;”—and above a million and a half of members were enrolled in these associations. They also reckoned that more than five thousand distilleries had been stopped, and above eight thousand traders in spirituous liquors had renounced the traffic; some twelve hundred vessels were then navigated without using spirits, and ten times that number of spirit-drinkers had been reformed. This will show the importance of this movement in a country like America; and it gave promise of such an advance as we find made by the State of Massachusetts, in 1838. In that year a new licence law was passed, by large majorities in both branches of the legislature of the State, prohibiting the sale of smaller quantities of any species of spirituous liquor than fifteen gallons, except by apothecaries and medical practitioners, who were to be licensed for that purpose. How this law operated, and how the Temperance movement went on, will be seen in a subsequent page.

In our former chapters we have indicated the progress of the several States commercially, by comparing their exports and imports at different periods of the terms under review. In the present instance, however, in consequence of the continually increasing cheapness of manufactured goods, the figures will not give a *complete* view of the development of mercantile activity and wealth-producing power in this direction of the States. In the year extending from October, 1829, to September, 1830, the exports of Maine exceeded six hundred and seventy thousand dollars in value, and its imports were worth about five hundred and seventy thousand; in the year ending in September, 1840, its imports were worth above fifty thousand dollars more than in the former period, and the exports had risen to above a million of dollars in value. The exports of Massachusetts were estimated at less than seven millions and a quarter of dollars, in the former period; in the latter, at above ten millions of dollars; and its imports had risen from less than ten millions and a half to more than sixteen millions and a half. New York imported at the beginning of Jackson’s Administration, in twelve months, more than thirty millions and a half of dollars’ worth of goods; at the end of Van Buren’s Administration, nearly sixty millions and a half of dollars’ worth;—and exported at the former time less than the value of nineteen millions and three-quarters of dollars in a year; but at the latter time above thirty-four millions and a quarter of dollars’ worth of produce. In Pennsylvania the totals were estimated at nearly eight millions and three-quarters imports, and above four millions and a quarter exports, at the earlier time; and at eight millions and less than a half imports, but nearly seven millions exports, at the latter period.

In tonnage these States showed similar progress. At the end of 1828, just before the inauguration of General Jackson, that of Maine was reckoned at nearly two hundred and forty thousand tons; and at the end of 1839, at

above two hundred and eighty thousand; Massachusetts had increased from nearly four hundred and twenty-five thousand tons to above five hundred and twenty-five thousand; New York, from more than three hundred and fifty-five thousand tons to nearly four hundred and seventy thousand;—and Pennsylvania, from under a hundred and five thousand to above a hundred and twelve thousand tons of shipping in this space of time. We shall not appreciate this, however, unless we add, that at the latter period the entire tonnage of all the Slave States taken together,—and Baltimore and New Orleans, it is well known, were no mean ports,—barely exceeded that of the single State of Massachusetts!

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The progress marked by the projection and construction of canals, railroads, and other “internal improvements,” in all the Northern States, quite to remote Illinois, and Michigan, quite outstrips our means of recording it; we can only present these jottings respecting the aggregate lengths of canals and railroads, completed, in process of construction, or projected *bonâ fide*, in some of them, in the year 1840. Massachusetts had then about eighty miles of canals, but more than four hundred miles of railroad; New York, on the other hand, had about six hundred and seventy miles of railway, but above nine hundred miles of canals. Pennsylvania had almost a thousand miles of each means of internal communication. Ohio showed nearly eight hundred miles of canals; Michigan, above a hundred miles of railway. In short, out of nearly four thousand miles of canals in the United States, these Northern States had three thousand three hundred miles; and out of more than five thousand miles of railroad, they had half. And the full reports of the Censuses alone could show how prodigiously in wealth of every sort, cleared and cultivated lands, horses, cattle, corn, houses, &c. &c., as well as in population, this section of the Union grew, between the years 1830 and 1840. The hints to be found in various parts of this Book must suffice for our present purpose. The stability of the banks here, compared with their caducity in other parts of the country, on which we have remarked in a former chapter, is a fact that speaks volumes on this subject.

Another sign of progress, but telling in a different direction, (and also indicating that our division of the States into North and South is, for some purposes, insufficient,) is to be seen in the condition of the debts of the several States, at the end of the twelve years under consideration. New Hampshire, Vermont, Rhode Island, and Connecticut, were able to declare themselves free from encumbrances; Maine owed more than a million and a half; Massachusetts, more than five millions; New York, above twenty millions; and New York city, alone, nearly ten; New Jersey had a modest debt of less than eighty-four thousand dollars; Pennsylvania owed nearly thirty-five millions; Ohio, Indiana, and Illinois were each involved to the extent of about fourteen millions; and Michigan owed six millions. These amounts are highly instructive, when compared with other facts respecting these States, which we are familiar with; and the significance of them, in other ways, will appear in the sequel.



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How the manufactures of this region grew, in variety and extent, it were long to tell. The progressive increase of the exports from New York, Philadelphia, and Boston, as compared with the imports, may be accepted as a partial indication of this fact. When we reach a later period of our history, we shall present some statements, which will be the summary of the history of these intermediate times. Yet, that we may not leave so great a section of our story a mere blank, the following particulars concerning Lowell may be given here.

In 1829, there were four companies who had factories at this famous place, Merrimac, Appleton, Hamilton, and Lowell. Cotton weaving, with the previous processes, and cotton printing, had from the first been carried on here; a manufactory of carpets was about this time put in operation. Next year, the "Salem Mercury," speaking of the place, said;—"Speculations in land in this flourishing town have been carried, within a few weeks, beyond all former example. Numbers who, but recently, were in moderate pecuniary circumstances have amassed independent fortunes by this means. Real estate has risen, within the last eighteen months, nearly one hundred *per cent.* Some lots of land, well situated for business, which were sold within six months for two shillings *per foot*, have been sold within a few weeks for seventy-five cents a foot! Last Wednesday a lot of land was purchased by two gentlemen for twenty-five thousand dollars, and on the same day they sold one half of it at an advance of forty thousand dollars. Buildings, it is said, rent for a greater profit in Lowell than in any other town in New England; averaging fifteen, or twenty, *per cent. per annum* on the capital invested." In the same year three new companies were incorporated; and broadcloths and cassimeres were added to its staple productions. Five years later there were nearly six thousand persons employed in these factories, and nearly seven hundred thousand yards of cotton goods were turned out every week. "The thread spun *per day* would encompass the globe, on the equator, twelve times and upwards."

More striking than details of this kind will the following be found, as an illustration of the progress of the North and of the West in one. It is from an account of "Things seen by a Young Son of the West," and is dated 1833.

"I have seen," he says, "the time when the only boat that floated on the surface of the Ohio was a canoe, propelled by poles used by two persons, one at the bow and the other at the stern.

"I have seen the day when the introduction of the keel-boat, with a shingle roof, was hailed as a mighty improvement in the business of the West.

"I remember the day when the arrival of a Canadian barge (as the St. Louis boats were called at the head of the Ohio) was an important event in the transactions of a year.

"I remember the day when a passage of four months, from Natchez to Pittsburgh, was called a speedy trip for the best craft on the river, and when the boatmen (a race now extinct) leaped on shore after the voyage,

and exhibited an air of as much triumph as did the sailors of Columbus on their return from the New World.

"I remember the time when the canoe of a white man dared not be launched on the bosom of Alleghany.

"I remember the time when a trader to New Orleans was viewed as the most enterprising amongst even the hardy sons of the West; on his return from his six months' trip he was hailed as a traveller who had seen the world.

"I remember the day when the borders of the Ohio were a wilderness, and New Orleans was '*toto orbe divisa*,' literally cut off from the whole world.

"I have lived to see the day when the desert is flourishing as the rose;—when the race of boatmen has become extinct, and their memories only preserved in the traditional tales of our borderers.

"I have lived to see two splendid cities, one devoted to manufactures, the other to commerce, spring up where, in my boyhood, nothing appeared like civilization but the hut of the soldier or of the settler.

"I have lived to see a revolution produced by a mechanical philosophy, equal to that effected by the art of printing. It has changed the character of western commerce, and almost proved that the poetical wish of 'annihilating time and space' was not altogether hyperbolic. By it New Orleans and Pittsburgh have become near neighbours.

"I have lived to see the day when a visit to New Orleans, from Cincinnati, requires no more preparation than a visit to a neighbouring county-town. I remember when it required as much previous arrangement as a voyage to Calcutta.

"I have lived to see vessels of three hundred tons arriving in twelve or fifteen days from New Orleans at Cincinnati; and I calculate upon living to see them arrive in ten days.

"I have lived to see vessels, composing an amount of tonnage of upwards of five thousand tons, arrive in one week at the harbour of Cincinnati.

"All these things I have seen, and yet I feel myself entitled to be numbered amongst the *young* sons of the West."

And there is many another sketch of the rapid growth and development of the resources of the United States, even in the less genial portions of the land, as striking as this; and some which make it more palpable than the story of the young son of the West, that it has all been done by mere human energy and skill, and not by any "Aladdin's lamp," or Dwarf Mimer. We have not space to quote any of these, but we point to them, as discovering to us what, after all, are the most real and enduring trophies of the noblest American victories; and pass on.

## CHAPTER V.

SOUTHERN OR SLAVE-HOLDING STATES.—ARKANSAS STATE.—THE CONSTITUTION OF FLORIDA.—STATE CONSTITUTIONS REVISED AND AMENDED.—STATE-ACTION ON PUBLIC QUESTIONS.—“NULLIFICATION,” AND THE ORDINANCE OF SOUTH CAROLINA.—THE CHEROKEE CONTROVERSY WITH GEORGIA.—THE FLORIDA WAR.—INDIAN REMOVAL.—GOLD MINES.—TRADE AND AGRICULTURE.—SLAVERY.—TEXAS.

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DURING this period, the Southern States appear to have committed themselves, with more than their accustomed positiveness, to those measures and institutions which have always been characteristic of Southern policy, and in their most condensed concrete forms are “Nullification” and Slavery. Our space will not allow us to work out the demonstration of this in detail; nor would it consist with the popular plan of our history; but the sketches we shall give of the legislation, political action, manners, &c. &c., of this section of the Union, will have all the force of proof, and that, especially, because of their miscellaneous nature, and the almost random manner of selecting them.

We have spoken of Arkansas, and its assumption of the dignity of an independent State, in connexion with Michigan; here we must remark upon it more fully. “For a number of years,” says Monette, “subsequent to the organization of the second grade of Territorial government, Arkansas was considered to be on the extreme confines of civilization in the south-west; and its inhabitants were supposed to consist chiefly of the hardy, fearless, and restless spirits of Kentucky and Tennessee, who had retired from the wholesome restraints of law and good morals. So feeble was the attraction, in this remote region, for the active, industrious, and well-disposed portion of the western pioneers, that the Arkansas Territory, in 1830, ten years after its organization, had acquired an aggregate of only 30,388 souls, including 4576 slaves.”

“The western half of the Territory had been erected, in 1824, into a separate district, to be preserved for the future residence of the Indian tribes, and to be known as the Indian Territory. From this time the tide of immigration began to set more actively into Arkansas, as well as into other portions of the south-west.” As far as its western boundary, and beyond it, the flood of immigrants swelled; and the movements in Texas greatly accelerated the settlement of this its next neighbour within the limits of the Union. The census of 1835 showed that the population had nearly doubled itself in the course of five years; and that the number of slaves was rather more than



doubled. "The increase in the number of slaves," observes Monette, "was in the same proportion with the increase of the whites, and afforded a good index to the advance of agricultural prosperity."

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Congress, therefore, did not withhold its assent to the request that a constituent convention might be held, and Arkansas take rank as a sister state in the Union. And on January the 1st, 1836, at Little Rock, the legislators of the Territory met, and after no protracted labours devised a form of government, which being accepted by the people, and approved by Congress, on the 13th of June the State was admitted into the Confederacy.

In its general features the constitution thus framed and ratified did not differ from those of the States nearest to this; but we may remark the jealousy of the judicial branch of the government, betrayed by the limitation of the term of office for the judges and justices to eight, four, and two years, according to their grade;—the allowance of imprisonment for debt, if there were the suspicion of fraud;—the prohibition of lotteries and the sale of lottery tickets;—and the permission to establish one State bank, with branches, and one bank "to promote the agricultural interests of the country." The provisions concerning slaves wore, as usual, an aspect of fairness; (bating always the permission of the thing itself,)—"impartial trial by jury," "the same degree of punishment as would be inflicted on a free white person," and "counsel for their defence;"—but they only contemplated the unhappy thralls as *criminals*; as sufferers of wrong, the constitution knew them not,—unless it were to say (as it did) that the legislature might not emancipate any, without the consent of their owners.

"After the admission of the State of Arkansas into the Federal Union, her population and wealth continued to increase; settlements gradually extended over the unoccupied districts, and rapidly occupied the fertile regions upon all the tributaries of its great streams; and, in short, the census of 1840 showed that it possessed a population of 97,574 persons, including 19,935 slaves,—the latter increasing, as we see, at a much more rapid rate than the whites. Yet the progress of this State fell far short of what was expected concerning it; far short of that displayed by many States in the North, which commenced under similar circumstances; the cause of this is not, we believe, far to seek; but we will not enter upon it here, as in a future chapter we must return to the subject.

Both Michigan and Alabama, though they afterwards applied for the sanction of Congress, did not wait its permission before summoning conventions to settle the form of State government to be adopted by each; and in the debates upon the subject of their admission into the Union this "contempt" was strongly urged as an argument against acceding to it. The delay on the part of Congress to sanction the erection of Michigan into a State cannot be wholly free from factious motive; and perhaps this, as much as determination to maintain the dignity and authority of the national Legislature, lay at the bottom of all these proceedings. Most certainly Senator Benton, looking back upon these matters, in his "Thirty Years' View," seems to regard it so.

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Either on this account, or on grounds connected with the "Missouri Compromise," Florida was made to wait, like the patriarch for his bride, a long seven years, before it received the coveted honour of recognition and admission into the Union. Notwithstanding the character of the country, and the unsettled relations of the Indians there to the central government, immigrants still poured into it so numerous, that in 1830 the number of inhabitants of the territory, including slaves, was 34,723. And it continued to increase, in spite of the war, which we shall soon speak of, till, in 1838, the Territorial legislature, representing the wishes of the people, memorialized Congress, and obtained authority to hold a convention to draw up a State constitution. This was done at St. Joseph, and on the 3rd of December a frame of government was agreed upon; which a convention at Tallahassee, on the 11th of the following January, adopted.

"The general features of this constitution," says Monette, "were similar to those of the other Slave-holding States; and, of course, the bondage of the negro race was legalized within the limits of the proposed State. In this respect the constitution of Florida was more rigid than many other Slave-holding States,—prohibiting for ever the emancipation of any negro slave in the State." Free negroes were, of course, entirely excluded. "But the people of Florida," continues the historian of the Mississippi Valley, "were not permitted so soon to assume State sovereignty. There were features in the constitution designed to protect Southern rights [i. e. negro wrongs] and Southern interests, which necessarily encountered a strong opposition from Northern interests and feelings. The fact of the proposed new State being a Southern one, and a Slave-holding one in its most rigid sense, [there being no Northern State waiting for admission as a set-off,] created in the national Legislature a strong opposition to its admission into the Union, as an independent State, with less than thirty thousand free whites. [This being plainly opposed to the meaning of the ordinance of 1787.] Hence, Northern influences and prejudices were strongly arrayed against the measure; and they were sufficiently powerful to defeat the admission of the new State for nearly five years [we reckon from 1838 to 1845, some seven years;] after it was constitutionally and legally entitled to assume the rank of an independent State."

Before all other amendments of constitutions, that of Virginia requires notice. No change had been made in the fundamental law of this State ever since it was first adopted, in 1776; and in many respects, but especially in the distribution of voters, the alterations which had occurred in that long interval had marred all the adjustments which had then been made with so much ease. We have alluded to this in a former Book; but an illustration will best show the necessity for a revival which now existed. Under the old constitution, each county, whatever its population, or number of voters, sent the same number of delegates to the State legislature; so that Williamsburg, which possessed a hundred and twenty eight State tax-payers; Warwick, with two less; and Staunton, with only a hundred and ten;—had each as

many representatives at Richmond, as Augusta, Loudoun, and Pittsylvania, each of which had above nineteen hundred State tax-payers.

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In the beginning of October, 1829, this convention for amending the Constitution assembled at Richmond, but their task was not an easy one. Respecting that cardinal question of the redistribution of the political power of the State, the greatest difficulties were encountered. "The members of the eastern counties were resolved not to part with the power of governing the State, and those from the west as determined not to submit to the existing inequitable mode. The convention was several times apparently on the point of breaking up without finishing its business. Finally, a compromise took place, the political power, however, being carefully secured to eastern Virginia; and an amended constitution was adopted on the 14th of January, 1830."

Both Madison and Monroe, Ex-Presidents of the United States, were members of this convention; and by the suggestion of the former, the latter acted as president, as long as his health permitted him to share its deliberations. The polity devised by these legislators was submitted to the votes of the State in the month of April, after its completion, and was accepted by a large majority; the votes in favour being given in greatest numbers in the eastern part of the State, and those against it in the west. For the sake of enabling our readers to compare it with the one it superseded, we give an account of its main provisions.

The governor was made eligible for terms of three years, but not for two such terms in succession, by the joint vote of the two houses of the general assembly. A Council of State, elected in the same way for three years, one seat to be vacated every year, and the senior councillor to be lieutenant-governor, was appointed to assist him.

The legislature was constituted of two houses; a senate of thirty-two (and never to be of more than thirty-six) members; and a house of delegates of a hundred and thirty-four (and never to be of more than a hundred and fifty) members; (in both which the predominance was given to the counties lying east of the Alleghanies;) and together they were to be designated the General Assembly. At the end of ten years a reëpportionment of the representation was to be made; which gave some hope to the western portion of the State.

The judges of the higher courts were to be appointed by the joint-vote of the two houses, and to hold office during good behaviour, or till removed by a concurrent vote of two-thirds of the numbers present in both houses.

The right of suffrage was extended to the owners of freeholds, or parts of freeholds, twenty dollars in value; or of life interest, or reversionary interest, in land worth fifty dollars;—to holders and occupiers of leases, for five years or more, of a yearly rent of two hundred dollars;—and to the heads of families, and housekeepers, who should have paid a State tax in the preceding year; so that this actual "*demos krates* principle," as Benton called it, in which the vote is the expression of citizenship, and not at all of property, was not realized now, any more than under the former constitution. All elections were to be made by openly given votes, and not by the ballot.



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The State of Delaware also revised its constitution now. In the month of November, 1831, a convention met at Dover, and unanimously adopted "several important amendments." The sessions of the legislature were made *biennial*, but the governor might call an extra-session; the property-qualification of the representatives was abolished. The governor was to be elected once in four years; and so with the senators. The judges were to be appointed by the governor, and to hold office during good behaviour; and the entire judiciary system was altered; all the grades, and all concerning them, being determined, and nothing left for the legislature to supply. A majority of all the persons entitled to vote might at any time demand a convention for the further change of the polity of the State. Popular elections were to be by ballot; and every free white male citizen, twenty-two years old, having resided in the State a year, and the last month in a county wherein he has paid a tax assessed six months before the election; and also "every free male citizen of the age of twenty-one years, and under twenty-two years, having resided as aforesaid, though not having paid a tax,—idiots, insane persons, and criminals, excepted,"—was to enjoy the privileges of an elector.

In the following year, Mississippi remodelled its polity. In the months of September and October a convention assembled at Jackson in that State, and agreed upon certain changes in the constitution. The right of voting was given to all free white males of one-and-twenty, and residents in the State for a year before an election; the minimum age of the representatives was to be twenty-two, and of the senators thirty—and those were to be residents of four years' standing in the State and one year in the district electing them, these, of two years in the State, and one year in their district electing them; property-qualifications for all officers of the State were abolished; the governor was elected for two years, and was to be eligible only for four years out of every six; the president of the senate was to be lieutenant-governor *ex officio*; and the judges of the supreme court were to be chosen by the people. The mode of election was to be by ballot; and no person was ever to be appointed to any office for life, or during good behaviour.

North Carolina, like Virginia and Delaware, had not amended its frame of government ever since its first construction; wherefore, in June, 1835, a convention was collected at Raleigh, which, after above a month's labours, adopted numerous changes in the original constitution; which on the 9th of November were ratified by the people, and went into operation at the beginning of the next year. The legislature was made to consist of a senate of fifty members, elected by ballot for two years; and a "house of commons,"—but how that British term was tolerated we cannot tell,—of a hundred and twenty members, chosen in like manner. White free men, twenty-one years old, who had resided in any district for twelve months before any election, and were freeholders to the extent of fifty acres in the same district for six months, received the right of voting. The governor was also made eligible biennially, but only for four out of every six years. The legislature was to appoint the secretary of state, the treasurer, and the council of state, for two

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years each; and the attorney-general for four years. And amongst the miscellaneous provisions, we find the following: "No person who shall deny the being of God, or the truth of the Christian religion, or the divine authority of the Old and New Testaments, or who shall hold religious principles incompatible with the freedom or safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department within this State." A provision of a very extraordinary kind indeed.

Tennessee,—which, although not one of the first thirteen, was in comparison with its next neighbours a State of some standing,—its constitution dating from 1796,—now also revised and amended its polity. From May to August, 1834, a convention sat at Nashville; and in March of the year after, the people by a vast majority ratified their work. In its main features,—the three branches of the government, the two-fold legislature, and the biennial elections of all its officers,—it resembled those we have just described. But the governor was eligible for six out of every eight years; citizenship of the United States, (a qualification, strangely enough, overlooked in all the constitutions we have now had to speak of,) and a residence of six months in the county (where the vote was offered) before an election, was the only qualification required; the judges all were elected for terms of years, twelve, eight, six; and these provisions were appended,—“no person who denies the being of a God, or a future state of rewards and punishments, can hold any civil office;” and “lotteries are prohibited; and persons who may be concerned in duels are disqualified for holding office in the State.”

Several other States amended, or attempted to amend, their constitutions now; for there appears to have been unusual activity in this direction during these twelve years; but we need not notice any of the changes made, except the following in the constitution of Maryland;—"The relation of master [it should be, only it would not sound so well, "owner"] and slave cannot be altered without the unanimous consent of two consecutive legislatures; and not then without a full restitution to the master for his property." And this prompts the inquiry, to which no answer is possible, what new peril had arisen, to require such a prohibiting "article" as this. One would have fancied, from other things one hears of Maryland, that the constituent convention would have acted more faithfully, as well as more wisely, had it rendered emancipation easy, instead of raising up such insuperable difficulties. One paragraph out of Madison's speech, at the Virginia convention, might have been pondered by these legislators of Maryland, and by those of some other States, with good effect.

"It is due to justice," said the veteran statesman; "due to humanity; due to truth; to the sympathies of our nature; in fine, to our character as a people, both abroad and at home; that the coloured part of our population should be considered, as much as possible, in the light of human beings, and *not as mere property*. As such they are acted upon by our laws, and have an interest in our laws."

And when such a statesman has to trim his words so curiously, there is

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no very searching inquiry requisite to find out a great wrong, that ought to be redressed, and yet—such is the might that is *not* right—cannot.

Passing by some inter-State controversies, mostly occasioned by questions of boundaries, we have to notice the action of the States severally on national affairs, the principal instance of which is the famous “Nullification” of Calhoun and South Carolina. In the last Book we recorded the facts until the close of the Administration of John Quincy Adams; and in the first chapter of this Book, the aspect of the matter presented to one contemplating it *from Washington*, has been given. In taking up the subject in its State aspect now, we shall avoid, as far as possible, repeating our former accounts, and shall look at Calhoun’s doctrine from “the inner side,” as Benton would say. We shall find that South Carolina was now left alone in the maintenance of its peculiar views of “State rights,” by such extreme measures as were at first threatened by more than one State beside it, if the Tariff of 1828 were enforced. Georgia, however, as we shall presently see, had its own quarrel with the general government, and afforded it all the support and encouragement which successful resistance of the general law could give.

With or without “nullification,” and its corollary *secession*, South Carolina was well aware that the tendency of its proceedings was the virtual dissolution of the Union; for its governor, in his message to the legislature in November, 1829, thus spoke of this subject. “The manufacturers press their claims upon the bounty of government in a manner unparalleled in the history of legislation. The direct interest of individuals, or of particular sections of the country, is made the basis of a system, sapping the foundation of honest labour and constitutional rights of other sections. [It is not only of the confused metaphor we have here to complain. Free-trade would, no doubt, have benefited the country at large; but South Carolina and the South generally did not contend for it on that account,—they demanded it on the ground that it was for their own sectional or individual interest that trade should be free.] It is entirely obvious, that those States owning slaves have a *distinct and separate interest* from such as have none.”

Next year the excitement had risen still higher within the borders of this State, for the course adopted by the Administration had the effect of confining it to them,—the other disaffected States regarding the remedy as of doubtful efficacy, and the loyal States considering it as “treasonable.” And when the legislature met, the nullifiers had a clear majority in both houses. They were not strong enough, however, to carry a bill, authorizing the holding of a convention, for the purpose of “nullifying such laws of Congress as it might deem unconstitutional;” although the resolutions introducing the proposal were carefully drawn up in the very words of Madison and Jefferson. Yet, nothing discouraged by the failure, a “State-rights and Free-trade Association” was organized, and every means of systematic agitation resorted to, that experience or ingenuity could devise.

Amongst other schemes, a Free-trade convention was summoned at Philadelphia in October, 1831; but when it came together, “it was speedily dis-



covered, that the doctrines of nullification had but few friends out of South Carolina, and it was agreed that it was inexpedient to insist upon the *unconstitutionality* of the Tariff; but that the *policy* of protecting duties should be questioned, and the danger of alienating the affections of the people of the Southern States be strongly insisted upon." The President too, "in answer to an invitation to dine at Charleston on the 4th of July," "expressed his determination to perform his duty in case any attempt should be made to annul the laws of the Union." And it was more than ever manifest that, if it were to carry out its threats, South Carolina would have to stand alone; so that though many of its more enthusiastic politicians believed that the Executive of the Union, and Congress, would both give way if the law were nullified, no step was actually taken which would draw upon the State what Jackson had not indistinctly menaced.

One project devised for testing, and at the same time practically effecting, the scheme of nullification was the refusal to pay the duties on imported goods, for which bonds had been given at the time of importation; and the case was heard in the United States' District Court, in September, 1831. Their plea was "*non est factum*;" but after a patient investigation, the court held that "it was a suit on a bond,—that the execution of the bond had been duly proved,—and that there was no evidence to invalidate the bond," and the jury found for the United States the amount of the bonds. The acting judge delivered an elaborate plea to the same effect, a few days afterwards. "This decision was declaimed against, as another instance of tyranny on the part of the federal government."

Wheeler, in his "History of Congress," sketching the life and character of one of these recusants, (Isaac E. Holmes,) tells us that he, "declaring that he cared nothing about the *name*, [of "Nullification,"] because it was the *thing* he wanted, went for resistance under any name. He avowed that when rights were invaded [that is, an unpleasant Tariff act passed by Congress] under the forms of the Constitution, he should look beyond that instrument for a remedy; that he would recur to first principles—to State rights; and even, if need were, to natural rights. [Can a Slave-holder consistently hold the dogma of the existence of "natural rights?"] \* \* \* Judgment was rendered against him. He still refused to pay, and the United States' Marshal levied on one of his houses. But the nullifiers were so strong that the friends of the general government did not bid. General Jackson, on hearing this state of facts, dismissed the Marshal, who was himself a nullifier, and appointed a Union man in his place. The house, however, was never sold, nor was the money on the judgment ever paid, until Mr. Holmes was coming to Congress in 1839. [Why then?] He was a practical Nullifier."

The Presidential election coming on, the legislature adopted this amongst other resolutions;—"That the State of South Carolina being engaged in a contest for great constitutional rights, and interests of paramount importance, it is inexpedient at this time to involve her in the struggles of the Presidential election, or to pledge her to any particular candidate." And, as we saw,

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C H A P. V. South Carolina did not vote ; but the anti-nullificationists, Jackson and Van Buren, were returned notwithstanding.

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In September, 1832, (for the form of the Chronicle is not inappropriate to this hasty record of these momentous proceedings,) a convention, assembled in the name of "the Union and State rights,"—met at Columbia. It deprecated "nullification," but avowed sympathy with the nullifiers, recommended a convention from the chief Southern States lying east of the Mississippi, and pledged itself to "adopt, abide by, and pursue such measures in relation to our grievances, as the said convention should recommend." This could not accomplish any thing ; for in the then existing posture of affairs, nothing but thorough-goingness, in one or the other way, was of any avail, or even of any promise.

In October, 1832, instead of November, the State legislature met again, and at once passed an act summoning a convention. In the middle of the next month it assembled, the governor of the State was made president of it, who designated it "a concentration of the sovereignty of the people ;" and it proceeded at once to pass, by an overwhelming majority, an *Ordinance*, to the following effect :

That, unless the Acts of Congress complained of should be repealed before the 1st of February, 1833,—“the several Acts, and parts of Acts, of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, \* \* \* are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers, or citizens ; and all promises, contracts, and obligations made and entered into, or to be made and entered into, with the purpose to secure the duties imposed by the said Acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are, and shall be held, utterly null and void.”

No sooner was this business done, than the legislature, on which devolved the task of giving effect to this Ordinance, proceeded to accomplish it. Acts were passed in direct antagonism to the known operations of the general government for enforcing the law, and for the organization of the militia and the purchase of munitions and ordnance ; all civil and military officers being further required to take an oath to execute and enforce the Ordinance and the laws passed in obedience thereto. All which things were incontinently carried out by the governor, and those whose duty it was to execute them.

Still, the whole force of the State was not enlisted on the side of the nullifiers. Another convention of the Union and State-rights party was held in December, which protested against the Ordinance and the laws framed in obedience to it, disclaimed all intention to resort to lawless violence, but avowed the determination to protect their rights by all legal and constitutional means, and to maintain the character of peaceable citizens, unless “compelled to throw it aside by intolerable oppression.” The primary as-

semblies more plainly still expressed the resolution not to submit to the measures of the dominant party. "In Charleston, where they were as numerous, and in some of the mountainous districts, where they were more numerous than their opponents, meetings were held, in which it was resolved to sustain the Federal government in its efforts to enforce the revenue laws, and also to resist, by force if necessary, every attempt to carry into effect the laws, passed by the State legislature, imposing unconstitutional oaths upon all civil and military officers."

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But "the leading nullifiers were in possession of the State government, and acted under the imposing sanction of a State law, which, although unconstitutional, still carried a sort of authority with it. By their activity and talents they had excited great enthusiasm amongst their followers, and were thus enabled to execute their measures with the cordial coöperation of a party formidable both for its numbers and determination. There was also no small degree of danger that, should force be resorted to, the nullifiers would find supporters in some of the adjacent States."

Matters assumed thus a most ominous appearance. Not only was the peace of the Union endangered by the threatened resistance of one State, but intestine discord seemed ready to tear that State also into hostile factions. The President, resolute and imperious as he was, hesitated to give the word that would have commenced a civil war; and Calhoun, he well knew, was as resolute and imperious as himself, and was fired by the endurance of political wrongs. Orders were given to General Scott to repair to Charleston, to aid the civil officers of the general government in the execution of the laws, and two vessels of war were ordered there for the same purpose. The forts were put in a condition of defence, and the commanders were ordered to be vigilant against surprises, and to maintain them to the last extremity if attacked. And, on the other side, twelve thousand volunteers were organized in different parts of the State, in defence of the Ordinance, and the command was issued to them "to hold themselves in readiness to take the field at a moment's warning."

Congress now assembled, and Jackson, having intimated his determination that the laws of the Union should be executed, issued his Proclamation, and applied to Congress for statutory support. Then followed the enforcing bill, and the "Compromise of 1833," a full account of which has already been given. Meanwhile Virginia proffered to South Carolina its mediation to help it out of the entangled position it was in, and a new convention was summoned for March, when the nullifiers hoped to find that something had been done by the national legislature, that would enable them to withdraw without the mortification of a defeat.

This convention did assemble, repealed the nullifying Ordinance, repeated the protest against protective revenue laws, resolved to continue the military preparations, and issued another Ordinance nullifying the Force Bill! But Calhoun had accepted the new Tariff, his acceptance had made it a "compromise," there was nothing more, in fact, for "Nullification" to do; and so



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with this barren demonstration, it passed from the stage of actual things into that of theories, and crotchets, and themes for smatterers in politics and crabbed party-men to declaim upon.

We have not forgotten "the Hartford Convention," nor the interpretation put upon its designs by the violent Democratic and Southern partisans. We should be guilty of the same injustice did not we allow the historian of that convention to utter in our pages his temperately worded protest against the nullifying convention of South Carolina; and with this we shall dismiss the subject.

"Far different," says Dwight, recalling the days of his Secretaryship, "were the times and the circumstances when the South Carolina convention passed their Ordinance. Their time was a time of peace and prosperity. The country was pressed by no enemy from without, and by no tumult or insurrection within. Agriculture, commerce, and manufactures were flourishing beyond all former example, and the country was advancing in numbers, wealth, and power, in a degree surprising to ourselves, and astonishing to all other nations. If there is any peculiar merit on the part of South Carolina in choosing this halcyon period for making such arrogant claims, and for throwing the Union into a state of discord, fermentation, and animosity, when all things else were at peace, it would not be amiss if those grounds were more explicitly stated. At present they will be disallowed by every virtuous, intelligent, and patriotic mind. The Hartford convention recommended no measure which had the slightest tendency to prostrate the national Constitution, or to destroy the Union. Every sentiment expressed in the South Carolina Ordinance was hostile to the Constitution, and every measure proposed or adopted was calculated to dissolve the Union. The propositions of the Hartford convention were to obtain the consent and approbation of the general government to their principal measures; the South Carolina Ordinance denied the authority of that government to control them in the case about which they complained, and defied their power to execute their laws. The Hartford convention recommended an application to Congress for permission to raise troops for the defence of their coasts; the South Carolina Ordinance provided for the raising of a body of men to oppose by force of arms the execution of the laws of Congress, and to raise the standard of rebellion against the government of the nation."

The commencement of the dispute between Georgia and the general government respecting the Cherokees, whose lands the State coveted, has been related in a former Book. We must now trace this to its conclusion. It is a less satisfactory story even than that of South Carolinian Nullification; and exhibits one of the dangers which menace the Union from within in a very distinct and alarming form, and does not so much as hint at any means of protection from it. It will be needful for American statesmen before long to have studied this element in their public affairs, for the evil disclosed is of a kind not for ever to be averted by concession or compromise; and it cannot always be expected to manifest itself upon an occasion like this.

We left the Cherokee deputation at Washington, when John Quincy Adams gave place to General Jackson in the President's chair, complaining of certain laws of the State of Georgia, by which, in defiance of treaties and the laws of the United States, the jurisdiction of the State was to be extended over them,—their own constitution and national rights being disregarded,—in June, 1830. Theirs, it must be admitted, was a hard case; and whatever pity we may be disposed to feel for the aborigines of the States' territory must be entertained in an especial manner for these sons of the soil, (*autochthons*;) who had "reduced their limits within reasonable bounds," and, "in expectation of becoming a people, had relinquished their vagrant habits, and devoted themselves to agriculture and the arts of civilized life;" who had now "accustomed themselves to the utensils, the food, and the habits of the white man, and needed many of his comforts and luxuries, professed his religion, spake his language, and had adopted his laws,"—even to the length of slave-holding, as we saw. It was, the deputation said, a question of existence, and not of mere well-being, with them; and if they were cast out of their old possessions, and removed to the western wilderness, they must perish.

Yet, on the other hand, Georgia could not allow such an *imperium in imperio*, as the Cherokee state was then, within it. It is true that it might have adopted a more human point of view in its dealings with the red men, and not in mere insolence of pride of race condemned them to perpetual vagabondage, just as the children of Africa had been doomed to perpetual servitude. The notion of red-skinned citizens of the sovereign State of Georgia was not in itself an absurdity. A modern philosopher threatens the whole South with a far worse catastrophe than that of having citizens with red or even black skins in its population,—that of becoming wholly a people with *yellow* skins,—which would indeed be such a *malum in se*, that the faintest probability of it might justify the most extraordinary measures of precaution.

It was an unhappy circumstance for the Cherokee deputation, that the change of Administration had placed in authority citizens of one State, at least, (Tennessee,) interested in the dismissal of their claims. Eaton's reply to them in effect conceded to Georgia full power, as a sovereign State, to extend its jurisdiction, both civil and criminal, over all the Indians within its limits, and denied the constitutional right of the general government to make any treaties by which the Indian title was guaranteed, declaring them not binding. The Indian title, the new Secretary alleged, was only a right to hunt, and consequently was temporary, and subject to be abridged whenever the country was wanted for the use of civilized man; (but he overlooked the possible,—nay, the *actual* case, that the savage had become civilized, so that "civilized man" was in possession of the country;) the right guaranteed was a mere right of possession, he said, a guarantee never intended to be adverse to the sovereign right of Georgia.

We omit all the assurances of the love and friendship and so forth of their "Great Father" (General Jackson, the President,) for his "red children;"—"to the plain, unsophisticated Indian mind," as an annalist observes,

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“this reasoning was incomprehensible; a shorter process leading to the same result would have been intelligible, and less insulting, to their understandings;—‘The white man wants your land; the States have power, therefore they have right:—depart!’”

Georgia did not cease to prosecute its claim to the Cherokee lands, being incited to do so all the more perseveringly by the discovery that they “abounded with valuable minerals, and especially gold.” And the government of the State complained grievously of the tardiness of the general government in allowing all its claims, and justifying all its proceedings. The State of Mississippi also copied the act of Georgia, by which its jurisdiction was declared to extend over the Indians in its territory, and all the Indian laws, constitution, titles, &c., were pronounced null and void. And Alabama did the same.

Congress during its first session under the Administration of Jackson passed the Indian Removal Act, which was really in accordance with the claims of those three States, and also with the new policy towards the Indians, which the President had announced. And thus indirectly the violation of treaties by Georgia, and the “nullification” of them by the Executive, was sanctioned, and the law was made in another department of it—the will of the strongest. Nevertheless, the Cherokees refused submission, and there was so general a feeling against the course of action adopted by Georgia, that summary measures, though threatened, were not resorted to. The Indian Removal Act encouraged the State to persist in that course, however; and the peace of the Union was imperilled in the most wanton manner.

The question at issue was, in reality, the constitutionality of these State laws, by which the treaties made and ratified with the Indians were set on one side; and it would not have become a “question” at all, had not Jackson, from motives which are unintelligible, if not unworthy, declared, that he could not, consistently with his view of the subject, interpose to prevent a State from extending its laws over the Indian tribes, though it did so in violation of treaties. And the first opportunity that occurred was seized upon for the trial of this important point.

A murder had been committed upon the Indian territory, and George Tassel, an Indian, the murderer, was convicted and sentenced in the Court of the State of Georgia. Hereupon a writ of error was issued from the Supreme Court of the United States, and a citation was served upon the governor, requiring the State of Georgia to appear before that Court at Washington, to show cause why its judgment in that case should not be reversed;—the subject being plainly one within the jurisdiction of the Federal Judiciary. The governor, however, regarded and treated it as a usurpation of authority, and sent the summons, with a message to the State legislature then sitting, and exhorted it to take measures to resist any interference on the part of the Federal Courts with the criminal courts of the State.

The legislature was not at all unwilling to second the governor in his resistance, and it passed a set of resolutions, which *were* “Nullification.” At



the same time, by its direction, Tassel was executed according to the sentence he had received; and thus the attempt to decide the matter constitutionally was frustrated by the audacity of the very persons (acting in the name of the State) whose conduct was to be inquired into. And, by way of improving the decided advantage which they had gained, they at once proceeded to authorize the survey and occupation of the Indian territory, for the purpose of distributing it by lot amongst the citizens of Georgia.

Various other laws were also passed by the State legislature for the express purpose of driving the Indians out of their territory. The exercise of authority was expressly forbidden to their chiefs by one law; which, nevertheless, authorized them to negotiate with the United States' commissioners for the purchase of their territory and title by the Federal government, by treaty. Few States would have ventured upon so gross and complicated an inconsistency as this, or upon so exceedingly frank a resort to the public purse; but Georgia had all along distinguished itself by its daring, and it was the spoiled child of the first family of States,—whence, perhaps, these very troubles. Another law prohibited the digging of gold in the Indian lands, and authorized the driving from the Cherokees all the white men at the time residing amongst them.

The President ordered the United States' troops to coöperate in the removal of the gold-diggers; but the governor of Georgia thereupon addressed a communication to him, "requiring the withdrawal of them from the Indian territory, on the ground that the enforcement of the provisions of the law, under which they acted, was inconsistent with the rights of Georgia; that the legislature was then assembled for the purpose of extending the laws of the State over the Indian country; that the State government was abundantly competent to preserve order within the Cherokee territory; and [suggesting] that as the object of ordering the troops there was, undoubtedly, the preservation of the peace of the Union, and as in the execution of their duties they had punished in some instances citizens of the State, in violation of their rights;—the most effectual mode of preventing any collision between the Federal and State governments was to remove the troops."

With this suggestion the Secretary of War lost no time in complying; ordering the troops into winter quarters, "because it was expected that the emergency which induced them to enter the Indian country had ceased." "The troops were accordingly removed, and the Cherokees abandoned to the mercy of the State government." The governor immediately sent a military force, by which the gold-diggers were removed, an intolerable species of police superintendence of the Indians established, and six white men who had long resided in the Cherokee territory brought before the superior court of the county for not having complied with one condition of this new law, by which such persons as did not furnish themselves with the permits from the governor, and take an oath of allegiance to the State, were punishable with four years' imprisonment in the penitentiary.

Some of the whites thus arrested were missionaries, who were then, and

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had long been, engaged in a mission which was established amongst the Cherokees, many years before Jackson was President, with the approbation of the Federal government; and they had acted as agents of the government in distributing the fund appropriated for the civilization of the Indians, and in carrying out its general designs for the melioration of the condition of the aborigines. "As these missionaries were considered advisers of the Cherokees, the government of Georgia deemed it necessary to remove them from the territory."

Samuel Worcester and John Thompson, two of the persons thus arrested, were discharged, on the ground that, being agents of the United States, they did not come within the scope of the Act. But the State authorities were very indignant at this, and procured from the general government a disavowal of them as its agents; and Worcester was dismissed from a situation he held as postmaster in that region. The missionaries were then duly warned to quit the Indian territory, and as they did not comply, Worcester, with two other missionaries, named Butler and Trott, were, without the least show of courtesy, arrested, tried, and sentenced to imprisonment for four years with hard labour, for the crime of residing in the territory of the Cherokees, without taking an oath to support the constitution and the laws of Georgia.

Leaving these missionaries in the felons' prison, let us note another attempt to bring the matter to a decision. "A bill was filed in behalf of the nation, on the equity side of the Supreme Court of the United States, and process was duly served on the governor of the State of Georgia, with the view of testing the validity of its claims, and of procuring an injunction to restrain it from pursuing a course so inconsistent with the rights of the Cherokee tribe, as secured by treaty. Of these proceedings no notice was taken by the State government, except the adoption of a resolution to set at defiance the authority of the Court. The Court, however, proceeded to hear the cause, and after a full argument in behalf of the Cherokee tribe, it determined, at the January term of 1831, that in that form it had not jurisdiction of the subject matter in dispute; the Cherokee tribe being neither a foreign state nor a member of the confederacy, but a domestic dependent nation, in a state of pupilage, and in a relation to the United States resembling that of a ward to his guardian. The prayer of the bill was therefore denied, and the Cherokees were left another year exposed to the encroachments and oppressions of their neighbours, in spite of the plain and positive stipulation of treaties."

For the purpose of promoting the object of Georgia, the Administration made a change in the manner of bestowing the annuity which had been settled by treaty, long ago, on the Cherokees. Instead of paying the twelve thousand dollars to the chieftains of the tribe as heretofore, orders were issued to pay each individual of the nation his proportion; which, as there were nearly fifteen thousand, was less than a dollar a piece. "The expenses of each Indian's travelling to the agency would more than absorb the sum to which he was entitled. The effect of the order was, therefore, a virtual withholding of the annuity, and it was regarded as an additional violation of the

treaties between that tribe and the government of the United States. The Cherokees generally refused to receive the annuity in this manner, and it consequently remained in the hands of the agents of the United States."

But neither the withholding of the annuity, nor the encroachment of Georgia, shook the resolution of the Indians. "Strong in the support of public opinion," as well as conscious of being in the right, they refused either to remove from their lands or to treat for their cession. Not unnaturally, too, they regarded the Federal government as leagued with Georgia against them. This State, however, never relaxed in the pursuit of its object. "Convinced that a judicial inquiry into its pretensions would result in their complete refutation and overthrow, the State government studiously sought to bring the Federal Courts into contempt. Their authority over the subject was constantly denied, and the legal and constitutional mode provided for the peaceable execution of the laws and treaties of the United States was thus defeated by the self-will of a State, permitted, and even *encouraged*, to pursue its reckless career, by the novel views adopted by those intrusted with the Administration of the Federal government as to its powers and obligations."

None of our readers can fail to observe, that in this affair Georgia went beyond South Carolina in its resistance to the Tariff of 1828. South Carolina threatened to nullify that law; but Georgia *did* annul not only the treaties with the Cherokees, but one whole department of the general government established by the Constitution itself. Yet Jackson, who set all the forces of the Union in motion to crush South Carolina, assisted Georgia to attain its object. How is this to be accounted for? The opponents of Georgia were *Indians*, and Jackson was from Tennessee; that may account for it in part. But does not the real solution lie in the fact that Calhoun was a rival politician, and he directed the votes of South Carolina; whilst Georgia, in the very heat and crisis of this controversy, could pass such a resolution as this following?

After a resolution looking in the direction of Calhoun's "Nullification," (and we remember that Georgia was heartily with him at the outset,) we read; "Resolved, *nevertheless*, \* \* \* that this State looks with the deepest solicitude to the reelection of General Jackson to the Presidency of the United States, because, in that event, we will have a certain guarantee that he will fearlessly go as far as his official powers will warrant" in opposing what we disapprove, and in supporting what we are in favour of, in short; and will give us the Cherokee lands, according to our desire.

No sooner were the missionaries (all the more objectionable to Georgia, perhaps, because they received their charge from a Boston board) consigned to the felon's cell and punishment, than steps were taken to bring the decision, which had sentenced them thus scandalously, in review before the Supreme Court of the United States. Full consideration was given to this remarkable case, and the Court decided that "the law of Georgia was contrary to the Constitution, treaties, and laws of the United States, and conse-



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quently void. And a mandate was issued to the State Court, reversing its judgment, and ordering the missionaries to be discharged.

"In theory," says a commentator upon this branch of the United States' government, as established by the Constitution, and as exhibited by these facts, and the odium of the comment *must* rest with the facts;—"in theory, the Supreme Court is the most august tribunal in the world; in practice, its authority is not so great as it looks; for it has no means of enforcing its decrees. When strongly supported by public opinion, or when the matter is not of much moment, or the decision is in favour of the strongest party, or the case lies between individuals, judgment is carried out. When the great wasps are angry and resolved, the cobwebs of the law are broken through as on other occasions."

More seriously, we may observe, the great distinction between a constitutional government, and one not constitutional, is this,—in the former the three departments of government are kept perfectly distinct, and each is supreme in its own province; in the latter they are mixed, or their individual and proper action is interfered with by the irregular action of the others; or the functions of one or more departments are engrossed or usurped by the officer or officers of another. The abnormal exercise of, or interference with the exercise of, the judicial functions, which we here record, differs not a whit, in its ethical characters, nor in its consequences, from the usurpation of those functions by the most tyrannous despot that ever acquired the government of a nation. Despotism is, in its essence, the erection of any power above that of the law.

"Upon this delivery of this mandate to the State Court, it refused to obey it, and shortly after the decision an article appeared in the semi-official journal of the government denying the soundness of the decision of the Supreme Court. The Representatives of Georgia at Washington openly asserted that the President would not enforce the judgment; and the opinion previously expressed by him in favour of the course adopted by that State, and the support afforded to its measures against the Cherokees, afforded too much ground for that assertion. The right of the Federal Judiciary to maintain the supremacy of the Federal Constitution, laws, and treaties, was thus openly brought in question."

The resolutions adopted by the legislature of Georgia were as violent as those of South Carolina. They claimed for the States uncontrolled action and criminal jurisdiction over all their lands and the persons and things in them, and that without appeal to any Court whatsoever; they denounced the decision of the Supreme Court of the United States; proclaimed "that the State of Georgia would not so far compromise her dignity as a sovereign State, or so far yield her rights as a member of the Confederacy, as to appear in answer to, or in any way become a party to, any proceedings before the Supreme Court having for their object a reversal or interference with the decisions of the State Courts in criminal matters;" authorized all the State officers to disregard "any and every mandate, process, or decree that had

been or should be served upon them, purporting to proceed from the Chief Justice or any associate Justice of the Supreme Court of the United States; and required the Governor, with all the means placed at his command by the constitution and laws of the State, to resist and repel any and every invasion, from whatever direction it might come, upon the administration of the criminal laws of the State."

It does not cause us the least surprise to learn that Alabama, encouraged by the success of its older neighbour, imitated its proceedings against the Indians, as far as it seemed safe and profitable to do so. And this added to the confidence of South Carolina in its own defiance of the United States' laws.

But we must hasten to the *dénouement* of this tedious and unhappy episode in State history. We will give no more than the most prominent events; our readers can supply the intermediate and accompanying passages. Early in January, 1833, the imprisoned missionaries were discharged from the Georgia Penitentiary. In the month of March, 1835, we find that the Cherokees and the commissioners of the United States at Washington had come to an agreement respecting the definitive abandonment of their old lands by the Indians, and their removal to a territory to the west of the Arkansas State. Above five millions of dollars were to be paid in all to the tribe by the United States. But the treaty was not to be valid unless ratified, not only by the Senate of the United States, but also by a majority of the Cherokee nation. In the following December, at New Echota, in Georgia, the negotiations were finally concluded, and in May, 1836, the treaty was ratified.

Last of all, we record, that in his opening Message to Congress, on December the 4th, 1838, Van Buren said,—“It affords me sincere pleasure to be able to apprise you of the *entire removal of the Cherokee nation of Indians* to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement, concluded with them by the commanding general in that country, who has performed the duties assigned to him, on the occasion, with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.”

We omit all that the President added, which was intended to gloss over the whole affair, and to make it appear no deviation from the policy pursued by the Presidents of the United States before Jackson; and that nothing but the most enlightened humanity had guided every Administration in its dealings with the Indians. He prudently abstained from all reference to the broken compacts, and to the anarchical doctrines avowed, practised, and defended, by Georgia;—demonstrating thus the correctness of the view we have given of the real nature and tendency of these events. Georgia took to itself all the lands thus purchased by the public money, in repayment, as it alleged, for the cession of its “claims” on the territory stretching back to the

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Our readers will readily recall the history of the relations of the United States and Florida, before the time we have now reached; how it was coveted and bargained for, and attacked by Filibusters, and finally ceded by Spain. The Creek war, and Jackson's "Seminole Hunt," will easily be recollected. We saw that the chief, or at least the best, parts of the territory, when the adventurers from the Southern States flocked into it, were in the possession of the Seminoles; and we can imagine the disappointment and indignation of the would-be settlers, to find that, after all, they would not enjoy any of the expected advantages from the cession of the country. The mutual outrages and complaints of the Indians and the settlers need not be spoken of in detail; and the continual irritation thence arising can be imagined without any difficulty.

The "eviction" of the Indians, and their removal to the wilderness beyond the Mississippi, had for some time been the favourite scheme of policy towards the aborigines; and as the Anglo-Americans had resolved not to admit them to the rights of citizenship, and it was plainly a great inconvenience for their barbaric or but half-civilized establishment to remain amidst the white men, there was no other plan possible, as we have shown. But before attempting a removal of the Florida tribes, a treaty was negotiated at Fort Moultrie, in September, 1823, and ratified in the year following,—by which they gave up the fertile and promising tracts they had occupied, and agreed to confine themselves to parts of the country at a distance from them; and the white settlers immediately took possession of their vacated seats.

They were, however, far too slow, in leaving the lands they and their forefathers had held, for the impatience of the new-comers; and, in consequence, all the old causes of trouble remained. The reclaiming of fugitive slaves from the Indians (for they rejoiced in that species of property; only, unlike their white neighbours, the slavery was scarcely more than nominal) was the most usual means of annoyance practised against them; and the agent who resided amongst them had trouble enough arising from this cause.

In May, 1832, another treaty was negotiated at Payne's Landing; by which the Seminoles consented to vacate the whole territory, and to migrate to the regions west of the Arkansas, provided that the tract assigned them there should be approved by a deputation whom they were to appoint to examine it. Next year, in March, the deputation had examined it, and were cajoled into signing, although they had no authority to do so, at Fort Gibson, beyond the Mississippi, a treaty in the name of their tribe, giving up their possessions in Florida, and agreeing to remove as soon as possible to the tract assigned them. And in 1834, in the month of April, the Senate and the President of the United States ratified both engagements.

This ratification was given, although the terms of the treaty of Payne's Landing, and the circumstances of that concluded at Fort Gibson, and the dissatisfaction of almost all the Seminole nation with both the country as-



signed them in the west, and with the conduct of the deputations, were known; and although it was expected that only by force could the removal ever be effected. The government ascribed much of the unwillingness of the Seminoles to give up their lands, to the influence of their negroes, who, according to theory, and also according to the experience of human nature—both black and white,—vastly preferred Florida, where all that was sufficient to supply their wants could be had by hunting, and with the slightest possible expenditure of labour on the soil, to the desert of the west, where there was no such game as they had been used to, and where only as a reward of unremitting toil would the earth yield bountiful harvests. We can understand the whole, without resorting to this negro-influence hypothesis.

We cannot spare for the history of this affair very much space, and it really does not deserve it. Yet, the general current of events must be indicated, and the reason why a protracted, costly, and destructive war was required to accomplish the ejection of a few thousands of red men, women, and children; who had nothing but activity, endurance, and the spirit that is kindled when combating for one's own country, to oppose to the wealth, numbers, skill, and power of the United States.

There were amongst the Seminoles, as was to be expected in a tribe that had begun to use the arts of civilized life, two parties,—one inclined to submission and emigration, the other resolved to defy the American government, and resist the removal by force.

Perhaps the exercise of greater mildness, together with the display of an imposing array of troops, might have prevented the consequences which ensued. But the government found it difficult to release, or to collect, a sufficient number of regulars to impress the Indians with any sense of the necessity of obedience; and the commander who was sent to superintend the removal most injudiciously exasperated the chiefs, whom it was of essential importance to win. And besides, the impatience of the immigrants into Florida had now passed all bounds, so that in December, 1835, there happened more than one collision between the Indians and the soldiers, and the Florida war commenced.

The five years which followed, and which are contained in the period we are now recording the history of, only plunged the States deeper and yet deeper in disasters and expense. At the outset the government reckoned the warriors of the Seminoles at about four hundred. It proved that they had four times that number, without reckoning above two hundred negroes accustomed to bear arms. Together, or in succession, the scanty forces despatched against these desperate men were commanded by General Clinch, Scott, Call, Jesup, Taylor, and Armistead, and by Colonel Worth. Not one of these leaders, (and some had been successful in military operations, others have since proved themselves so,) achieved any decisive advantage. Scott demonstrated with success, indeed, before a court of inquiry, the reasons for his failure, and that they were not in him, or his conduct of the war; but this was of little moment to the nation.

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On the other hand, the chiefs, whose names were Oseola, Jumper, Tiger-Tail, Coacoochee, and others, by stratagem and audacity, by knowledge of the country and skill in turning all its peculiarities to account, inflicted many severe blows upon the Americans. More than once they repulsed with great loss superior numbers. In July, 1836, General Jesup officially announced the war at an end, yet next season it was carried on as actively as ever. In March, 1837, the same general proceeded so far as to negotiate a treaty, which stipulated that all hostilities were to cease, and that by the 10th of April all the Indians were to be at Tampa, with their families, ready to be transported to their new country. But the treaty was not fulfilled, and the war went on. The capture and death of Oseola did not terminate hostilities. In May, 1839, the chiefs agreed to retire below Pease Creek, in Florida,—removal being impossible; but in the following July the Indians broke the treaty, and the war began afresh. Bloodhounds were obtained, at considerable cost, from Cuba, to the intense and justifiable disgust of the whole civilized portion of the Union; but although vindicated in the South by the government, it was a useless expense,—trained for the capture of marooning negroes, they would not follow the trail of the Indians. And during the whole period, whenever an opportunity for plunder or murder occurred, the Indians were ready to commit both. Some of the incidents of the war, of this description, quite equal in terrible interest those which have been related in the early history of New England.

Between 1835 and 1840, above twenty thousand volunteers from various States and Indian nations, [the Delawares and Shawnees being the most northerly of these, Pennsylvania and New York of those,] had engaged in the service of the United States for terms varying in length from three to twelve months, against the Seminoles of Florida. But the highest number of forces at any time during these years present for duty, including both regulars and volunteers, was about eight thousand four hundred of all arms. During the same years, the cost of the war exceeded fifteen millions and a half of dollars!

We hear of other outrages committed by Indians, during these years,—as, for example, in May, 1836, of the village of Roanoke on the Chattahoochee, in Georgia, being attacked and stormed by some three or four hundred Indians, and burnt; fifteen men being killed, and twenty wounded;—and of chastisement inflicted on the red men by the Americans, as of that defeat of the Creeks, in the same month and year, at Tuchlaluchie, in Georgia, by the Alabama troops, when they lost about four hundred, in killed, wounded, and prisoners;—and this will show the mutual exasperation which prevailed on the part of both whites and Indians, and the necessity for the removal of the latter to some regions, where they should not be an eyesore and a grievance to the dominant race.

Of the removal of the Indians generally, instead of relating how one tribe after another was transferred from its old seats to the territory allotted to it, between the Western States and the Rocky Mountains, let us transcribe a

few paragraphs from Benton's "Thirty Years' View;" by which not only the policy and the details of execution of this removal will be hinted, but also the connexion of the whole with the general politics of the Union.

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"At the commencement of the annual session of 1836-7, President Jackson had the gratification to make known to Congress the completion of the long-pursued policy of removing all the Indians in the States, and within the organized territories of the Union, to their new homes west of the Mississippi. It was a policy commencing with Jefferson, pursued by all succeeding Presidents, and accomplished by Jackson. The Creeks and Cherokees had withdrawn from Georgia and Alabama; the Chickasaws and Choctaws from Mississippi and Alabama; the Seminoles had stipulated to remove from Florida; Louisiana, Arkansas, and Missouri had all been relieved of their Indian population; Kentucky and Tennessee, by earlier treaties with the Chickasaws, had received the same advantage. This freed the Slave States from an obstacle to their growth and prosperity, and left them free to expand, and to cultivate, to the full measure of their ample boundaries. All the Free Atlantic States had long been relieved from their Indian populations, and in this respect the Northern and Southern States were upon an equality.

"The result has been proved to be, what it was then believed it would be, beneficial to both parties, and still more so to the Indians than to the whites. With them it was a question of extinction, the time only the debateable point. They were daily wasting under contact with the whites, and had before their eyes the eventual but certain fate of the hundreds of tribes found by the early colonists on the Roanoke, the James River, the Potomac, the Susquehannah, the Delaware, the Connecticut, the Merrimac, the Kennebee, and the Penobscot. The removal saved the southern tribes from that fate; and in giving them new and unmolested homes beyond the verge of the white man's settlement, in a country temperate in climate, fertile in soil, adapted to agriculture and to pasturage, with an outlet for hunting, abounding with salt water and salt springs—it left them to work out in peace the problem of Indian civilization.

"To all the relieved States the removal of the tribes within their borders was a great benefit,—to the Slave States transcendentally and inappreciably great. The largest tribes were within their limits, and the best of their lands in the hands of the Indians, to the extent, in some of the States, as Georgia, Alabama, and Mississippi, of a third or a quarter of their whole area."

Our Senator then proceeds to eulogize the Northerners for their support and assistance in accomplishing this great object. "Northern votes in the Senate," he says, "came to the ratification of every treaty; and to the passage of every necessary Appropriation Act in the House of Representatives. Northern men may be said to have made the treaties, and passed the Acts, as without their aid it could not have been done, constituting, as they did, a large majority in the House, and being equal in the Senate when a vote of two-thirds was wanting." It becomes the representatives of the North, in



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both Houses, to consider the real force and worth of this eulogy, and the facts disclosed by it; that their share in the direction of the affairs of the Union may be marked by some other and larger signs than the passage of Southern measures; as the next paragraph will show.

"Thus the area of slave population has been almost doubled in the Slave States, by sending away the Indians to make room for their expansion; and it is unjust and cruel,—unjust and cruel in itself, independent of the motive,—to charge these Northern States with a design to abolish slavery in the South. If they had harboured such a design, if they had been merely unfriendly to the growth and prosperity of these Southern States, there was an easy way to have gratified their feelings, without committing a breach of the Constitution or an aggression or encroachment upon these States: they had only to sit still and vote against the ratification of the treaties and the enactment of the laws which effected this great removal. They did not do so,—did not sit still and vote against their Southern brethren. On the contrary, they stood up and spoke aloud, and gave to these laws and treaties an effective and zealous support.

"And I," continues Benton, in his grandest manner, "I, who was the Senate's chairman of the committee of Indian affairs at this time, and know how these things were done, and who was so thankful for Northern help at that time; I, who know the truth, and love justice, and cherish the harmony and union of the American people, feel it to be my duty and my privilege to note this great act of justice from the North to the South, to stand in history as a perpetual contradiction of all imputed design in the Free States to abolish slavery in the Slave States. I speak of States, not of individuals or societies."

Without staying to unravel this semi-sophistical eulogy of the North; and passing by all else in it which might on another occasion demand comment; we here remark solely, that it becomes the North to ponder well the meaning of this fervent praise, and to determine whether it will accept it, and endorse all that is implied in it. Something of more account than the preservation of the Union may depend thereupon.

Mankind have always made a great mistake about the advantage of mines of the precious metals to a country. It is a very natural mistake, but it is not lessened, nor are the consequences alleviated, by this consideration. The experience of countries possessed of this sort of mineral wealth directly contradicts this common error, and refutes it. In fact, mines of coal and iron are far more valuable than gold mines; and industry and skill in the people surpass even coal and iron. Where these are, coal, iron, gold, and all that is useful, desirable, or costly, will surely be found: but the possession of gold guarantees a country nothing beside the influx of daring and not very scrupulous adventurers. The recent history of California and Australia presents no difference from that of earlier known gold-producing regions, than the present prevalence of steam communication will fully account for. But it is not of such *Eldorados* as these that we have now to speak; the gold mines

of Georgia, North Carolina, and Virginia, were on a far smaller scale, although they made some stir in their day. CHAP.  
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The gold mines were, in some cases, mines in the proper sense of the term; in other instances the metal was obtained from the vegetable soil, in the form of flakes and dust, by washing; and in others, from the alluvium of the streams. The latter modes of obtaining gold were generally the most profitable; the labour of working the veins, crushing the quartz, and separating metal from the ore by quicksilver,—for which expensive machinery was wanted,—preventing the realization of any thing that could be called a clear profit. But the most monstrous exaggerations of the “yield” rendered it difficult to ascertain the genuine facts;—thus, certain mines in North Carolina were estimated to produce the worth of five millions of dollars in a year; the report of the legislature showed that the produce of all the mines was not more than a tenth part of that sum. At first the greater part of the gold was sent to Europe, and particularly to Paris, but afterwards the quantity coined in the United States was very considerable; and this encouraged the efforts of the “Hard Money” party to alter the character of the currency.

“The chief miners, (I mean labourers,)” says an account of the North Carolina gold region, in 1831, “are foreigners,—Germans, Swiss, Swedes, Spaniards, English, Welsh, Scotch, &c. There are no less than *thirteen* different languages spoken at the mines in this State! And men are flocking to the mines from all parts, and find ready employment. Hundreds of land-owners and renters work the mines on their grounds on a small scale, not being able to encounter the expense of much machinery. The state of morals among the miners or labourers is represented to be deplorably bad.”

Companies, both domestic and European, were engaged in working some of these mines. This was the case with those of Georgia; which, as we said above, were found in the Indian territory, and prodigiously quickened the endeavours of the State to get rid of its aboriginal population. They did not prove so productive as they were expected to be. It seemed that in some places the mines had been worked in some very remote time; and earthen crucibles were found of a much more durable kind than those which the miners could now procure. In the mining districts, and especially in North Carolina, which were by far the most valuable, gold dust formed a species of local currency. It was carried in quills, and weighed out in small scales, which each man was provided with. The discovery of the Californian gold mines put a stop to the working of the less productive of these;—but many of them are in full operation to the present day.

The trade and agriculture of the South exhibits marked differences from those of the North. Many glimpses of the commercial history of the South at this period have been afforded in the preceding pages; but a few particulars may be added. The progress of the cotton trade is the most remarkable fact, under this head. The whole crop in the year 1829 was estimated at eight hundred and fifty-eight thousand bales; in 1840 it had risen to two millions one hundred and seventy-eight thousand! The value of the exports of

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cotton, in the same period, had increased from twenty-six millions and a half of dollars to nearly sixty-four millions. But the crop of the last year was an unusually heavy one, exceeding both in quantity and value that of many subsequent years. The exports of Sea Island cotton varied irregularly during those years from about five millions one hundred thousand pounds, to above twelve millions eight hundred thousand.

The silk trade, though not confined to this section of the Union, was most diligently cultivated here; and it throve to such an extent, that it even had a literature of its own, and speculations in raising silkworms and growing mulberries; and "the *multicaulis* speculation," beyond all others, "became a mania," until the bank panic, and the stoppage of the local banks in 1839; which very considerably checked the application of capital in this direction.

Louisiana, which was the outlet for all the produce of the valley of the Mississippi, showed a vast increase in its exports in these twelve years; those for 1829 being valued at twelve millions and nearly a half of dollars, those for 1840 at above thirty-four millions. Its imports were worth in the former year above six millions and three-quarters; in the latter year, under ten millions and three-quarters of dollars. The exports of Maryland fluctuated between three millions and a half of value, and five millions and three-quarters; its imports rose occasionally from the same minimum to above seven millions and three-quarters of dollars in value, in the course of the period now under review. In South Carolina the exports show a minimum of six millions and a half, and a maximum of thirteen millions and a half, of dollars in value; whilst the imports fluctuated between one and three millions. Of the tonnage of these States we have already spoken. And from these intimations a notion, sufficiently clear for the purposes of this history, can be gained of the progress of the Southern States, and its characteristics. Other signs will show more plainly when they have reached greater maturity.

Slavery, we said, was the other one of the two political dogmas which, in the times of the Presidency of Andrew Jackson and his successor, was, by much State legislation and other means, corroborated, so as to be thereafter, more than ever before, the cardinal principle of the South. And it will not occupy a great space to exhibit this. It has been impossible to avoid the frequent mention of this subject, already; whence what we have now to say of it may be the more condensed.

These are some of the additions to, and modifications of, the Slave Code, dating from this time. Georgia passed a law in 1832, imposing a *quarantine* of forty days on all vessels having *free* coloured persons on board; and prohibiting every kind of intercourse with such vessels to coloured persons, whether slave or *free*; precisely as if "colour," even when not associated with thralldom, conveyed a sort of contagion; or as if non-intercourse for forty days would obviate the ill effects of it. Truly if slavery is (as we know) cruelly logical and self-consistent, regarded from its own "stand-point," in relation to all other human things and interests it is as cruelly illogical and inconsistent:—how will after-times believe that a *free* coloured person on



board any vessel entering the port of Savannah subjected it to a forty days' quarantine? The same law rendered the circulation of "pamphlets of evil tendency amongst domestics" a penal offence, and equally so the teaching of persons of colour, both bond and *free*, to read! And it further prohibited the introduction of slaves into the State for sale.

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Louisiana, in like manner, forgetting the humanity of its own *Code Noir*, passed a law for the expulsion of *free* persons of colour, within sixty days of notice given, under penalty of imprisonment with hard labour for a year, and the further penalty of imprisonment for life, if they should not quit the State within thirty days after the expiration of their sentence. If brought into the State by any vessel as seamen, and not departing with it, or remaining more than thirteen days in the State if the vessel should not depart, *free* persons of colour were to become subject to that abominable law. It was also made an offence punishable by imprisonment for not less than one nor more than twelve months,—to teach a slave to read or write.

Kentucky,—under some Hibernian inspiration, one is fain to hope,—authorized the *sale* of slaves ill-treated by their owners, after proof of the facts.

Virginia passed a law which made *free* persons of colour, who remained in the State contrary to the law, liable to be sold; declared meetings of such *free* persons to learn reading or writing unlawful, and ordered them to be dispersed and the offenders punished by corporeal chastisement.

Delaware prohibited all meetings of *free* coloured people exceeding twelve in number after ten at night, unless under the direction of three white men, under a penalty of ten dollars.

Alabama enacted a law fining "any person attempting to teach any person of colour to spell, read, or write," no less than two hundred and fifty dollars, nor more than five hundred.

North Carolina passed the following law,—“If any person shall wickedly, willingly, and feloniously carry, convey, or conceal any slave, the property of any citizen or citizens of this State, without the consent, in writing, of the owner, with the intent of enabling such slave to effect an escape out of this State, every such person shall suffer death without benefit of clergy.”

Mississippi, by law, required all free coloured persons to leave the State within ninety days from the date of the passage of the Act, under penalty of five years' servitude.

In Virginia, near the close of 1831 and the beginning of the subsequent year, a movement in favour of emancipation was made in the legislature; but after long a debate, as animated, but not as acrimonious, as those of Congress on the same subject, this incongruous preamble and resolution were adopted by a scanty majority.

“Profoundly sensible of the great evils arising from the condition of the coloured population of this commonwealth; induced by humanity as well as policy to an immediate effort for the removal, in the first place, as well of those who are now free as of such as may hereafter become free; believing

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that this effort, while it is in just accordance with the sentiments of the community on the subject, will absorb all our present means ; and that a further action for the removal of the slaves should await a more definite development of public opinion ;—

“ *Resolved*, as the opinion of this committee, that it is inexpedient for the present to make any legislative enactments for the abolition of slavery.”

So there was a bill passed in the House of Delegates for regulating the removal of “ free negroes, or such as might become free ;” which, either because it was too liberal for a Slave State, or for some other reason which could not be admitted as such north of Mason and Dixon’s line, was lost in the Senate ;—and thus both emancipation and removal were indefinitely postponed. Maryland carried a measure for the removal of its free coloured population, by means of the colonization or Liberia scheme.

One feature of this twelve years was the frequency of slave insurrections ; but, as is always the case with despotisms, it is extremely difficult to ascertain any particulars. Sometimes the only authentic record is the preamble to some Act of increased stringency or novel policy against the servile population ; sometimes an announcement like this implies what we shudder to think of ;—“ October the 30th, 1831. Nat. Turner, the ringleader of the slave insurrection in Southampton County, Virginia, taken ;—executed, November the 11th.” Other notices of this Southampton affair call it a “ massacre,” as about seventy whites, it was alleged, fell victims to Turner and his followers.

“ Lynch law,” as we have seen in many instances, was freely put in force, on the ground that the Northern States were attempting to excite the negroes to insurrection, by incendiary papers transmitted through the post. The post-masters, we saw, assumed the functions of their office in the despotic states of Europe, and stopped any publications and journals legally transmissible through the post, on the ground of their being calculated to rouse a rebellion amongst the slaves. At Livingston, in Mississippi, two persons alleged that they heard two negroes conversing about an intended insurrection ; straightway the two wretched beings were seized, and examined before a meeting of the whole county, but the evidence being insufficient, they were remanded for further examination ; but next day the citizens bethought themselves of the danger of a revolt of their thralls, and fear operating in the stead of a conviction of these two accused negroes, they were torn out of the prison and hung without ceremony.

“ Forthwith,” says the annalist, “ a committee was organized, consisting of thirteen of the most wealthy and respectable farmers. To this committee of farmers was committed unlimited power to deal as they thought fit with all suspected persons, whites or negroes, to try, condemn, and execute, at their pleasure ; the citizens unanimously pledging themselves to support them in all their acts. Parties of horsemen were immediately sent out to scour the country in search of suspected persons, and every man was a suspected person who was suspected of holding opinions unfavourable to slavery. There

was no want of victims, and the law of this 'revolutionary tribunal' secured the sacrifice; for its principle was, that they themselves firmly believed the accused to be guilty, however insufficient the evidence might be in a court of justice, and were determined that none of them should escape by having the benefit of the law. A scene of mere butchery followed during several days. Both white men and negroes, white men, too, belonging to other States, were hung up without remorse, often within a few hours after they had been apprehended." A similar dissolution of society and contempt of constitutions and laws, the Union and humanity alike, was witnessed in other Slave States; and the worst ordinary acts of club law and violence were outdone by this frantic and panic outbreak against a suspected servile conspiracy and rebellion. We do not find the Federal authorities, nor the State authorities, taking any effectual notice of these things; indeed, the facts were scarcely known to them, being misrepresented and coloured, as is the custom universally in relation to such affairs.

Of riots requiring military force for their suppression, of duels and assassinations, and there were instances only too numerous of all these violations of social order, we cannot say much here. It must be understood that such things are the natural fruits of slavery; for the free scope given by slavery to the indulgence of every fiercest passion, on the one hand, and on the other the apparent necessity laid upon every slave-holder, and overseer, to wear arms for self-defence, (in which they must of course be imitated by *all* the whites,) are conditions which cannot fail to have such results. The annals of Arkansas record one outrage of unparalleled atrocity,—the murder of a member of the legislature on the floor of the house, by the chairman himself! And yet this horrid deed was transcended by the acquittal of this miscreant with triumphant *éclat*,—not only the laws, but justice and veracity, being scandalously violated, to screen the perpetrator of a crime which each man felt himself prepared at any moment to commit. This was not the only instance in which murderers were assailed by the mere form of a trial, and were honoured by a popular ovation. The shocking significance of which facts is patent enough to every mind.

Of the progress of the Mormons, and the incidents attending it, we cannot speak now. And we must pass by, with this most casual mention, the two destructive fires in the Capitol at Washington. The picture of life in the back-regions of the South, contained in the Memoirs of Colonel David Crockett, its hardships, dangers, romance, and the independence nurtured by it, we must leave our readers to study for themselves; and can only recommend it here,—all the more heartily, that the Colonel was a genuine Democrat, and not a blind partisan, or, as he himself says, not wearing a collar engraved "Andrew Jackson, his dog." His death in one of the Mexican massacres of the Texians, has been already noticed. For the story of Texas, and its relations to the Southern States, and how they looked upon the "Lone Star" with longing eyes, and were deterred by no scruples or fears from making it their own by the most open and audacious filibustering, we



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refer to a former chapter, where it has in part been declared ; the remainder of the tale will be found in the next Book.

By way of noting the stage in the progress of these Southern States now attained, so that our readers may compare it with earlier stages, and with others afterwards reached, we transcribe from a trustworthy source the following paragraphs. The date of the observations is 1832 ; and the political principles of the writer are obvious enough, but do not lessen the value of his generalizations.

"Society there is divided into two great classes,—the proprietors of the soil, and the slaves who cultivate it. There are indeed some smaller classes, such as overseers, who are dependent on the planters ; and factors and merchants, who facilitate the transportation of produce to market. The most important and influential class, however, is composed of planters, and they completely control the policy of that portion of the Union.

"From the low intellectual condition of the slaves, it follows that their labour can be more easily employed in cultivating the soil than mechanical pursuits. It requires but little pains to teach a negro to dig, to sow, and to reap ; and so long as the cultivation of the fertile soil of the Southern States can be profitably followed, it would be idle to expect that any attempts will be made to instruct the negroes in the more intricate arts of the workshop. Agriculture, or planting, therefore, is not only the chief, but almost the sole, employment of the South ; and owing to the debased character of those employed in cultivating the earth, a large portion of society is devoted to idleness ; because education and public opinion have attached a kind of degradation to all engaged in what has hitherto been the chief employment of that portion of the Union.

"This exemption from labour, while it affords leisure for the acquisition of the more elegant accomplishments, and the urbane manners of gentlemen, tends still further to remove this class from the agricultural labourers, and renders it an entirely unproductive class, by preventing the acquisition of habits of industry.

"The planters, in process of time, thus become unenterprising and indolent, and the whole community is supported by the labour of a part, and, in the case referred to, of scarcely two-fifths of society. The fertility of the soil and the high price of their peculiar productions have hitherto enabled those States to prosper, notwithstanding the disadvantage of so large a portion of their population remaining unemployed, and the residue being engaged solely in agriculture.

"No efforts, consequently, have been made to divert their productive labour to other pursuits ; and none probably will be made, until the low rate of profits in agriculture shall, by rendering the planters poor, compel them either to labour themselves, or to devise new modes of employing their slaves. Until necessity furnishes a spur to invention, they will not readily believe that a subsistence can be obtained except by planting ; and their whole domestic and external policy will be, as it hitherto has been, governed by considerations resulting from this peculiar structure of society."

Then, after speaking of the circumstance of the plantations being situated, for the most part, on the banks of the numerous navigable rivers, by which their produce is carried to the sea for shipment to the foreign market they supply;—whence it follows that good roads and canals are not so much needed as where the pursuits are more varied, and where domestic industry supplies so much larger a proportion of the domestic wants;—our authority proceeds:—

“These circumstances have given to the planting States a settled policy, which aims only to foster and sustain their own peculiar branch of industry, and finds no desirable object to be attained in the application of the National funds to construct works of internal improvement, which can only result in bringing plantations in the interior of the country, as competitors, into a market already overstocked.

“The same reluctance is evinced in aiding any of the peculiar objects of the patronage of the Federal Government; and the army, the navy, the system of fortifications, and generally all those measures which aim at protecting and cherishing the great national interests, have not recommended themselves to the favourable consideration of the public men from that portion of the Union. Their interests, therefore, incline them to anti-Federal principles, and it is in those States that the policy, which the developing strength and interests of the country have compelled the general government to adopt, has been denounced as a violation of the Federal compact.”

From these sketches some general notion may be gathered of the effect of this period of Democratic rule upon the United States. Other indications will appear when we trace the progress of the Union and of the States under the next Administration.

Jefferson called his remarkable election to the Presidency, “the Revolution of 1801.” Imitating him, Henry Clay named the success of General Harrison, “the Revolution of 1840.” Arrogant though Jefferson’s meaning was, he had good grounds for what he did. And in the same manner Andrew Jackson might have celebrated his triumph as “the Revolution of 1829,” for there was a radical and strongly pronounced change in the policy, both domestic and foreign, of the United States, as soon as he assumed the chair; just as when Jefferson took the helm which Washington’s hand, or spirit, had till then guided. But, owing to the death of Harrison immediately after entering on his office, the Administration fell under the control of one who, besides having no clearly apprehended political faith, was too much swayed by his desire to stand well with all men, and too wilful also to be able to put in practice and enforce the creed of the party which raised him to power. And, in consequence, the traditions of the strong rule of Jacksonian Democracy possessed great influence with the government; greater than those of Jefferson’s or of Washington’s policy, because less remote in time. Jackson’s rule, too, had been so absolute, and his “platform” was so concrete and practical, that none but a man equal to him in strength, and transcending him in genius and honesty, could have given to the minds of

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men a new direction, and lifted affairs out of the rut which he had worn. So that the election of 1840, which put the Whigs in office, changed the party indeed, and the men who were in high places at Washington; but effected no alteration in the measures of government, nor in the principles on which they were based; and this cannot be called a *Revolution*.

Nevertheless, when Van Buren was rejected by the country, there was great need of a change so sweeping as to merit that name. And there still is need of it; the spirit of Jackson's "Reform" having retained its supremacy in the Union to this hour. Constitutions are but theories, unless they are faithfully acted upon by all concerned, from the humblest citizen to the chief executive magistrate. And even when carried out with the most scrupulous exactness, they may be hindered from securing the end contemplated by those who framed them,—the public good, by the substitution of party for the nation, and by allowing numerical majorities to wield the force and shape the policy of the country. Wherever this happens there are the conditions and forerunners of every kind of political corruption, nay, political corruption itself in its most concentrated and virulent form. And accident alone, or social circumstances unconnected with politics, will determine whether tyranny or anarchy shall be the issue.

Happy will it then be for the world if, by one or the other of these terrible processes, either moral soundness be attained, or the incurable corruption removed from the face of the earth;—but happiest of all is it, when a people in such evil case, discerning the obliquity of its national career, dares to return to the right track, and to seek the noblest ends for which states exist, by the purest courses. Whether the United States shall thus be delivered from the tyranny of party majorities, under which they have lain ever since these Administrations, depends upon those wisest and best of their citizens who, scattered through every State of the Union, and not confined to any one party in politics, or to any single section amongst the diverse interests of the country, see and deplore these things. If they remember and do the duties which are incumbent on them personally, as American citizens, forgetting custom, favour, party, interest, compromise, and every thing except the *duties*, then the first step will be taken in that path whereby alone nations can reach that splendid preëminence which, by conquest, commerce, arts, and laws, so many states have in vain striven to gain, — the universal ambition to arrive at which demonstrates it to be worthy of men's endeavours, because implanted in their hearts by Him who in the old times chose and instructed His "peculiar people," for this especial end, "to make it *high above all nations which he had made, in praise, and in name, and in honour.*"



## BOOK XII.

THE ADMINISTRATION OF HARRISON AND TYLER.

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I.—NATIONAL AFFAIRS DURING THIS PERIOD.—DEATH OF HARRISON.—EXTRA-SESSION OF CONGRESS.—ADOPTION OF JACKSON'S POLICY.—PUBLIC LANDS.—NATIONAL BANK SCHEMES.—BANK VETOES.—THE WHIG MANIFESTO.—CHANGES IN THE CABINET.—M'LEOD'S TRIAL.—TEXIAN FILIBUSTERING.—THE NEW TARIFF.—RIGHT OF SEARCH.—THE BRIG "CREOLE."—SETTLEMENT OF THE NORTH-EAST BOUNDARY QUESTION.—ANNEXATION OF TEXAS.—THE OREGON QUESTION.—TREATIES WITH PORTUGAL AND CHINA.—SYMPATHY FOR IRELAND.—THE "NATIVE AMERICAN" PARTY.—ELECTION OF JAMES KNOX POLK.

II.—STATES' AFFAIRS DURING THIS PERIOD.—FLORIDA STATE.—IOWA.—STATE CONSTITUTIONS AMENDED.—LOCAL AFFAIRS.—"HUNTERS' LODGES."—REPUDIATION.—TRADE AND COMMERCE.—RELATIONS WITH THE INDIANS.—SLAVERY.



## CHAPTER I.

NATIONAL AFFAIRS DURING THIS PERIOD.—DEATH OF HARRISON.—EXTRA-SESSION OF CONGRESS.—ADOPTION OF JACKSON'S POLICY.—PUBLIC LANDS.—NATIONAL BANK SCHEMES.—BANK VETOES.—THE WHIG MANIFESTO.—CHANGES IN THE CABINET.—M'LEOD'S TRIAL.—TEXIAN FILIBUSTERING.—THE NEW TARIFF.—RIGHT OF SEARCH.—THE BRIG "CREOLE."—SETTLEMENT OF THE NORTH-EAST BOUNDARY QUESTION.—ANNEXATION OF TEXAS.—THE OREGON QUESTION.—TREATIES WITH PORTUGAL AND CHINA.—SYMPATHY FOR IRELAND.—THE "NATIVE AMERICAN" PARTY.—ELECTION OF JAMES KNOX POLK.

WHILST the time over which our story has extended was proceeding, death was busy. The generation that had achieved the liberation of America, all, save some few and undistinguished individuals, had passed away; the last surviving signer of the Declaration of Independence, Charles Carroll, expired in November, 1832; and Jackson was the last President who had known any thing of the great struggle as it was passing. Van Buren was born in the year before the end of the contest, General Harrison first saw the light in the year before matters proceeded to an open rupture, and he occupied the President's chair only a month. His successor was not born till Washington had been for a year at the head of public affairs. Clay, Calhoun, and Webster were all born during the Revolutionary War. Thus the conduct of public affairs had passed into the hands of the men to whom the noblest passage in the progress of their country was only a tradition, and who yet were not far enough removed from it so to view it as to draw from it the lessons which history only can impart. We have observed a great change coming over the temper of the country, whilst this change in the *personnel* of its statesmen and politicians was noiselessly going on; can we doubt that, amongst the causes of that change, this departure of the men who were trained under colonial rule, and of those who were trained by them, ought to be esteemed one of the most influential?

The new President reached Washington in the course of the month of February, 1841; and on the 4th of March was inaugurated as the chief magistrate of the Union. Whilst the Senate was receiving the oath and the address of the Vice-president, General Harrison, "mounted on a white charger," with befitting pomp, and amidst the gratulations of a crowd gathered together from every portion of the country, was conducted in glad procession to the Capitol. There, from a platform erected for the occasion at the east front of that building, surrounded by the diplomatic corps, a great throng of legislators, officers of the army and navy, and ladies, he delivered

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Neither will it be possible for us to linger over the address, which was of unusual length; for circumstances have deprived it of direct interest for us. He adverted to the enhancement of the power of the Executive, as we can imagine a Whig to do; and expressed the hope that the President would either be made ineligible for a second term of office, or would abstain from offering himself as a candidate;—he commented on the Veto power of the Executive in a most unfriendly manner;—the patronage of the President he represented as hostile to the power of the States severally; and averred that it made that officer almost the "monarch" of the Union;—the withholding of the control of the Treasury from him alone prevented his becoming what Jefferson had predicted; and it was an error, said Harrison, not to make the head of the Treasury entirely independent of the Executive. He pronounced against the "Hard Money" scheme; glanced at the government of the Territories, and of the District of Columbia; deprecated the tyranny of the States, and of unconstitutional association over the national government; recommended forbearance; declaimed against usurpers; promised to conduct foreign relations, and those with the Indians, wisely; condemned party spirit; and pledged himself "to discharge all the high duties of his exalted station according to the best of his ability."

His choice of a Cabinet, though partisan, promised well. Daniel Webster was made Secretary of State; Thomas Ewing, Secretary of the Treasury; John Bell, Secretary of War; George E. Badger, Navy Secretary; Francis Granger, Postmaster-general; and John J. Crittenden, Attorney-general; the Senate having at once confirmed all the nominations. Other vacancies were filled up without delay. And a Proclamation was issued, summoning Congress together for an extra-session on the 31st of the following May.

Nothing more than this was allotted to Harrison to do. At the inauguration, his health and vigour, his advanced years being considered, had attracted much notice; but he had not sufficient strength for the harassing toils of government. Beset with office-seekers, anxious to gratify his friends and yet to save his party, bent upon obtaining popularity for the Whigs, that they might not lose their ascendancy, he gave himself up to public and official business day after day, from sunrise till midnight, without cessation. Three weeks of this excessive activity had not gone by, when he seemed to have taken cold, and the symptoms grew ever worse, till on the 27th of March there was some appearance of fever. The battle for life lasted till the 4th of

April, and then pneumonia, in which the attack had resulted, terminated his busy and honourable life. As if in proof of the real cause of this sudden departure, it has been recorded that his last words, spoken after he had ceased to be conscious of immediately surrounding things, were these: "Sir, I wish you to understand the principles of the government; I wish them carried out; I ask nothing more!"

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So short had the mortal illness of the President been, and so unexpected, that the tidings of his decease struck all who heard it with a species of panic. It was the first instance of a President dying in office. There were many matters of great moment that might be grievously unsettled by this event. For the Whigs it was a heavy blow and a great discouragement; Harrison was the one man of their party in whom all could agree; whose eminence was just enough to constitute a reason for using him as their representative; and who, not being a statesman like Webster and Clay, had not a powerful opposition in their own ranks to encounter. Of Tyler it is enough to say that they made him *Vice-president*; for though one of them, he was not the one whom they would have selected for the principal executive office. Behind the grandiloquent description of the "general and profound sensation of surprise and sorrow" occasioned by the President's death, we see such things as these.

Tidings were immediately despatched to the Vice-president, and he, with extraordinary diligence, reached the seat of government on the 6th of April; and at once assembling the Heads of Departments, requested them all to continue in the exercise of the functions they had been charged with by his illustrious predecessor. He then, for the sake of preventing all occasion of future trouble, took and subscribed a new oath of office before the chief judge of the Circuit Court of the District of Columbia, and assumed the Presidency. On the 7th the funeral of General Harrison took place; and was attended by a prodigious concourse of people from every corner of the Union, who forgot party distinctions, and heartily joined in doing honour to the dead. And a day of fasting and prayer, recommended by the new President, and universally observed, afforded an opportunity for the expression of sorrow for the deceased chief magistrate, and of the profound sense of the instability of human greatness inspired by his death.

Two days after this affecting solemnity, Tyler issued an address to the people of the Union. In it he first referred to the fact of his accession to the Presidency; and representing the election of Harrison as specially designed "to correct and reform all such errors and abuses as had manifested themselves from time to time [meaning, of course, under the two preceding Administrations] in the practical operation of government," he announced his intention of labouring to accomplish that design, and his expectation that "the spirit of faction, which is directly opposed to the spirit of a lofty patriotism, might find in this occasion for assaults on his Administration." Then, by way of giving an "exposition of his principles," he defined the "ground-work" of his foreign policy to be "justice on our part to all, sub-

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mitting to injustice to none ; respecting Jackson's *reform*, without incurring the odium of personality he bewailed the increase of Presidential patronage as tending to spread "an army [as Clay had already called them] of office-holders over the land;" and spoke of—"the right to remove from office, subjected to no just restraint, as inevitably destined to produce a spirit of crouching servility with the official corps; which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both State and Federal, thereby subjecting the course of State legislation to the dictation of the chief Executive office; and making the will of that office absolute and supreme;"—pledging himself to "remove no incumbent from office who had faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officer had been guilty of an active partisanship, or, by secret means,—the less manly, and therefore the more objectionable,—had given his official influence to the purposes of party; thereby bringing the patronage of government in conflict with the freedom of elections;" and honestly enough confessing, that "numerous removals might become necessary under their rule;"—pledging himself likewise to maintain a wise economy, to abolish sinecures, and to punish speculating agents;—and he concluded by a homily to the branches of the government, and the office-holders under them; announcing his determination "to exert himself to carry the foregoing principles into practice," and to confide "in the protecting care of an ever-watching and over-ruling Providence;" and to consider it his chief duty "to preserve unimpaired the free institutions under which we live, and transmit them to those who should succeed him in their full force and vigour."

President Tyler, it is universally acknowledged, did not falsify *one* passage in his "Inaugural." There were "numerous removals" made; and no other principle or rule seemed to be observed in effecting them than that which Jefferson invented and Jackson first put in force, namely, the possession of the power to gratify political friends and to punish political enemies, and the necessity for doing both if the cause were to thrive. As for the country and the public service, we are not aware that they were ever thought of, except when speeches had to be made; it was with Tyler, as it had been with Jackson, *party*, "first, last, midst, and without end;" and by his party, as Jackson had been by his, he was applauded as patriotic and impartial. Jefferson never claimed such credit for his scheme of party-patronage.

As the new President did not countermand the order convening Congress for an extra-session, the legislature came together on the 31st of May. The strength of the Administration, although all the elections were not made, (and Mississippi had no Representatives during the whole extra-session,) was shown in the choice of John White by a hundred and twenty-one votes against eighty-four given to J. W. Jones, and sixteen scattering; and on the next day the Message was sent.

Of the foreign relations of the Union a very satisfactory account was



given. A treaty with Portugal had been duly ratified. The claims upon Spain seemed in a fair way of being settled. The M'Leod business was approaching a final decision. And, added the President, with great good sense,—“The time ought to be regarded as having gone by, when a resort to arms is to be esteemed as the only proper arbiter of national differences.” Under the head of domestic affairs, this paragraph is of the most importance, on account of its connexion with subsequent events.

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“We hold out to the people of other countries an invitation to come and settle amongst us, as members of our rapidly growing family; and for the blessings which we offer them we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquest. We desire but to reclaim our almost illimitable wilderness, and to introduce into its depths the lights of civilization. While we shall at all times be prepared to vindicate the national honour, our most earnest desire will be to maintain an unbroken peace.”

And yet we shall find a “Native American” party growing up in these very years,—the germ of the great “Know-Nothing” organization; we shall find Texas annexed in these very years; and we shall see the foundation for the conquest of Mexico and California laid. Was it the statesman who was to blame, not foreseeing the immediate future? Or is this Message a mere state-paper, to be interpreted by the polarising light of circumstances and events? The suppositions are not incompatible; both may be true.

The allusions to a National Bank and to the inexhaustible subject of internal improvements, contained in the Message, were so ambiguous, that from them nothing of the President's real intentions could be divined. His own party, however, believed him to be with them on those points; notwithstanding certain semi-official announcements of his views contained in letters written just before his election. “My opinion,” said he in one letter, “of the power of Congress to charter a Bank of the United States remains unchanged. There is not in the Constitution any express grant of power for such a purpose; and it never could be constitutional to exercise that power, save in the event that the powers granted to Congress could not be carried out without resorting to such an institution.” And on the other point he thus wrote;—“My votes are repeatedly recorded on the journals of Congress, against the power of Congress over the subject of internal improvement, in all its phases and aspects, as well in regard to roads and canals as to harbours and rivers.”

Along with the Message was sent, as usual, the report of the Secretary of the Treasury; and it contained a warm recommendation of the establishment of a Bank. “If,” said the Secretary, speaking for himself alone, as it proved, although he was naturally regarded as speaking for the Administration; “if such an institution can be so conceived in principle, and guarded in its details, as to remove all scruples touching the question of constitutional power, and thus avoid the objections which have been urged against those heretofore

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created by Congress, it will, in the opinion of the undersigned, produce the happiest results, and confer lasting and important benefits on the country."

There can be no doubt that the victory of Harrison and Tyler at the Presidential election arose from the fact of their being regarded as pledged to the establishment of a National Bank; and as little doubt is there that, never contemplating the possibility of Tyler's elevation to the Presidency by Harrison's death, the party had not been very careful to assure themselves that he agreed with them on that subject. Tyler himself seems to have had no very distinct or fixed views upon the question. He was a Virginian, rather than a Whig, or a Democrat; the literal interpretation of the Constitution was a fundamental dogma of his school, but the acquisition and the retention of power was allowed to supersede all dogmas, as Jefferson's conduct long ago showed us. It was a moot point whether the United States, that is, a *majority* of the voters, desired a National Bank, or were opposed to it; and probably enough the majority was at times in favour of, and at others hostile to, a Bank. Hence, and hence only, can we account for the President's versatility. Before his election he was against; in the Message, doubtful; now he expressed the wish to more than one Member of Congress that the Secretary of the Treasury should be called upon to report a plan for a Bank, to supersede Van Buren's Sub-Treasury; and, in consequence, he was most fairly considered to be friendly to a National Bank.

Ewing was invited, at Tyler's suggestion, by both Houses, and about the middle of June reported a draft of a Bill for the Establishment of "The Fiscal Bank of the United States." In its business details this scheme could not differ very widely from the old plans; but it differed in two features very remarkably, and it was understood that the President himself was the author of these portions of the Bill, which were designed to obviate the constitutional objections. They were, the proposal to incorporate the Bank in the District of Columbia, where Congress had the power of a State legislature; and to give the Bank power to establish branches only in such States as should assent to it by their legislatures. There were, of course, inserted many provisions, by which it was hoped that the abuses and corruptions alleged or proved against the former Banks would be prevented.

In the construction of this plan, regard was had, not only to the probabilities of success with Congress, but to the opinions of the President; for he now seems to have been approaching the negative pole. As Daniel Webster afterwards remarked;—"It was the part of wisdom, not to see how much of a case they could make out against the President, but how they could get on, as well as they might, *with* the President." And it was understood that Ewing's draft had the approval of every member of the Cabinet, and was "acquiesced in by the President;" so that it became the great Whig measure, and the tenure of power by the party necessarily hinged upon the success of the Bill.

To the select committee on the currency, in the Senate, of which Henry Clay (by virtue of whose friendship, as every body believed, Tyler was placed

upon the Whig ticket for the Vice-presidency at all, and on the second occasion successfully,) was chairman, this draft was referred; and at the end of a week a report was presented, concluding with a bill, agreeing with the Secretary's in almost every part; differing from it chiefly on matters of detail, respecting the management of the Bank, and its method of doing business; but differing also from it on the subject of the conditions of establishing branches in the several States. And upon this last point the chief discussion in Congress turned.

Ewing's bill authorized the directors to erect a branch in any State, the legislature of which should give its assent to the establishment; and when such a branch was set up, it was not to be withdrawn without the assent of Congress. And if no branch were erected, then the directors, with the approbation of the Secretary of the Treasury, might employ any individual, or local bank, as a correspondent or agent, to transact business, but not to arrange or grant discounts.

The bill of the committee, on the other hand, "made it *obligatory* upon the corporation to establish an office of discount and deposit in any State in which two thousand shares should have been subscribed, whenever, upon the application of the legislature of each State, Congress should require the same;" but the directors were also authorized to establish such offices in any State or Territory, whenever they should think it expedient, without the assent of the legislature; or, as the Secretary had suggested, an agent or local bank might be employed, but not for discounts.

Tyler maintained that he could find in the Constitution power for Congress to erect a Bank, but not to establish a branch; and therefore that it was needful for Congress to obtain the consent of each State originally. Clay, on the contrary, insisted, that if the Constitution did not confer power to establish branches the assent of the States could not give it, and, therefore, that it was unconstitutional to attempt to derive power from the assent of a State. In Congress a large majority agreed with Clay; but the debate did not turn upon the difference we have noted. The question discussed was, in reality, "Cannot the President be gratified as to this notion of his regarding the assent of the States? Cannot Congress, if it find motive to do so, as a matter of expediency merely, waive and forego its right to establish a branch, and ordain that the right shall not be exercised except in such case as when a State may express a wish for a branch?"

Then of necessity arose a further question, "Is it expedient to establish such a precedent? Might it not be used hereafter to the prejudice of good legislation?" And widely did the different opinions vary from each other. So, as a last resource, Congress bethought itself of that one universal solvent of legislative difficulties,—compromise; and it was settled, that "The directors should have power to establish a branch with the assent of any State, which, when established, should not be withdrawn without the consent of Congress;—provided, first, that the power to establish a branch should be unrestrained in respect to any State which should not, at the first session



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of its legislature after the passage of the charter express its dissent ; in defect of which, assent should be presumed ;—and provided, secondly, that whenever Congress should deem it necessary and proper to the execution of powers granted by the Constitution to establish a branch in any State, then Congress might require the directors to establish such a branch.”

The devisers of this strange compromise circulated the statement, that this settlement of the difference was in agreement with Tyler’s views, and the Whigs, though generally opposed to the scheme, were persuaded by that argument ; so that the bill passed by twenty-six to twenty-three in the Senate, and by a hundred and twenty-eight against ninety-seven in the Representatives ; and on the 6th of August was sent for the President’s approval.

From the 6th to the 16th of August the President retained the bill, and the excitement through the country was prodigious. The White House was thronged with visitors, all anxious to know whether the approval would be withheld, all anxious to give advice upon the matter. And the Opposition was as numerous represented amongst these gratuitous counsellors as the Administration party. On the 9th the law by which the Sub-Treasury was established was repealed by a vote of a hundred and thirty-four to eighty-seven. Next day John M. Botts of Virginia addressed to the President such words of warning as these :

“It is generally understood that you are to veto the Bank bill. If it be so, have you contemplated the consequence in all its bearings? Can your Cabinet sustain you in the veto? Will they not be compelled to resign? \* \* \* The Sub-Treasury is repealed ; and the Deposit System is repealed in one House and will pass the other. Congress will not consent to take the plan suggested by the Secretary of the Treasury. Will you not find it impossible to carry on the government, and will not a resignation be forced upon you? On the contrary, if you can reconcile this bill to yourself, all is sunshine and calm. Your Administration will meet with the warm, hearty, zealous support of the whole Whig party, and you will retire from the great theatre of national politics with the thanks, and plaudits, and approbation of your countrymen.”

Amongst the delegations from the Whig party which waited upon the President, (for Tyler complained that his party stood aloof from him, wherefore they got up delegations enough to silence that complaint,) was one from Ohio. This was upon the evening of the 13th of August. “They told him frankly what they feared ; assured him of the earnest desire of the party to preserve harmony and good-will towards the President ; represented to him the deep concern of the nation in the Bank question. He protested his own intense feeling upon the subject ; spoke apparently with frankness of the difficulties he felt in regard to certain points in the compromise section ; suggested an amendment which would render this section acceptable to him ; declared his entire freedom from all prejudice or extrinsic influence in regard to the measure ; wept ; promised to pray for guidance ; and then asked, by

way of remonstrance, 'Why did you not send me Ewing's bill?'—'Would you sign that bill?' inquired one of the delegation. 'I would,' was the reply." The Ohio Members left him fully possessed with the opinion that the President was sincerely desirous to have such a Bank as the minister had reported.

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No one was surprised when at length, as the result of all this visiting and conferring, this protesting and weeping, on the 16th the bill was returned to the Senate with a Message, the sum of which was "*Veto*." On two grounds he objected to the projected Bank as unconstitutional,—its being intended to operate, as a Bank, in every part of the Union, and its being a Bank of discount. He objected also that it was not exclusively confined to the power of dealing in exchanges, which he considered to be perfectly constitutional, and, if conducted upon the plan of the old Bank, eminently useful. And he regarded the security for the assent of the States to the establishment of branches, insufficient. And it was in respect of the provision for the establishment of branches only that these objections did not apply just as forcibly to Ewing's bill; of which Tyler was so much aware, that he privately sent word to the Ohio delegation, desiring to retract what he had said of his willingness to sign Ewing's bill, and recommending a plan for "a much better Bank," "shadowed forth" in his Veto Message, as one "long endeared to him."

Van Buren published a letter applauding the conduct of the President; but John M. Botts spoke more to the purpose in another epistle, which he declared was meant to be private and confidential, and therefore directed to "the Coffee-house" at Richmond, in Virginia, instead of to James H. Lynch, the proprietor of the said Coffee-house.

"The President," said he, "has finally resolved to veto the Bank bill. It will be sent in to-day at 12 o'clock. It is impossible to tell precisely on what ground it will be placed. He has turned, and twisted, and changed his ground so often in his conversations, that it is difficult to conjecture which of the absurdities he will rest his veto upon. \* \* \* Our Captain Tyler is making a desperate effort to set himself up with the Locofocos, but he'll be headed yet, and, I regret to say, it will end badly for him. He will be an object of execration with both parties; with the one, for vetoing our bill, which was bad enough; with the other, for signing a worse one. But he is hardly entitled to sympathy; he has refused to listen to the admonitions and entreaties of his best friends, and looked only to the whisperings of ambition and designing mischief-makers who have collected around him. \* \* You'll get a Bank bill, I think, but one that will serve only to fasten him, and to which no stock will be subscribed; and when he finds out that he is not wiser in banking than all the rest of the world, we may get a better."

"The excitement here," namely, at Washington, "is tremendous;" says the same writer, in addition, "but it will be smothered for the present." In several places the President was burnt in effigy.

A vote of twenty-five on each side, in the Senate, showed that the friends of

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the Bank were unable to carry their bill in face of the President's veto ; it consequently became needful at once to discover what could be done to recover the lost position of the party, and secure a Bank for the country. Attentively considering the Veto Message, it appeared to them that an institution restricted to the dealing in exchanges, and disabled from dealing in local discounts, was the sort of Bank that Tyler spoke of with such affection. But to preclude the possibility of mistake, two Members of Congress of the highest standing, John M. Berrien, of Georgia, from the Senate, and John Sergeant, of Pennsylvania, from the other House, were deputed by the Whigs to ascertain whether it were so. These gentlemen had an interview with the President, and learned that he was in favour of precisely the kind of Bank they had supposed ; and thereupon a bill was drawn in conformity with the outlines they had gained.

It was on the 18th of August, two days after the veto, that this interview took place ; next day the bill was prepared, and "to make assurance doubly sure," submitted to the President through the Secretary of State, approved by him, and returned. On the 20th, Sergeant introduced it into the House of Representatives, as an amendment to some bill then pending in a committee of the whole ; and after due debate it passed on the 23rd, without the alteration of a word, by a majority of a hundred and twenty-five against ninety-four. In proof of the anxiety of Congress to meet the wishes of the President, it may be mentioned that in this bill the institution was not entitled a Bank at all ; but "The Fiscal Corporation of the United States." The Senate passed it without amendment, on the 3rd of September, by twenty-seven to twenty-two.

Whilst this bill was proceeding through Congress, the *Madisonian*, the official paper of the Executive at Washington, published that letter of John M. Botts, which we gave an extract of above, announcing as a reason the desire to fore-arm the President against the designs of his own party. And all the confusion which the veto had occasioned in their ranks was instantly increased ten-fold. Daniel Webster explained that Tyler hoped, when he vetoed the Bank bill of the Senate, that the subject would have been postponed ; and Botts' letter seemed to disclose, in the diligence with which the new bill was pressed forward, the intention of "heading" the President, or of forcing him to express himself positively, in one way or the other,—*not* of compelling him to adopt any measure against his own convictions, as Webster suggested, nor yet (though it too was alleged,) a factious plan for circumventing him.

Having this excuse now for regarding the new bill as a trick for putting force upon him, and forgetting that he had seen the bill and approved it before it was brought into Congress, Tyler detained it six days, and on the 9th of September returned it to the House of Representatives, with a Message vetoing it also. In the debate which ensued, a hundred and three voted in favour of it, and eighty against it ; it consequently failed, not being supported by the constitutional two-thirds.



Before we tell of the disappointment of both the party and the commercial section of the Union at this second veto, we must insert a few passages from a letter addressed by N. P. Tallmadge, a Senator from New York, whose position and character, and friendship with the President, entitled his remarks and advice to be recorded here. And, beside this, it shows unequivocally the essential nature of the Presidency under the new *régime* of party majorities and State supremacy inaugurated by Andrew Jackson.

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"The public mind," he told the President, "is too much excited to receive another veto without the most unequivocal manifestations of disapprobation, not to say indignation. Such feelings existed, but were suppressed, on the former occasion, because it was seen that Congress was making a great and mighty effort to recover from the blow which that Message inflicted,—a blow the more severe, and the less to be resisted, because inflicted by a friend,—by him, too, who had come into power with the rich legacy of the lamented Harrison,—namely, 'to understand and carry out the true principles of the government,' of which this measure was the leading one. These feelings cannot longer be suppressed after another exercise of the veto power on the present bill.

"That bill, it is well understood, was prepared in pursuance of your suggestions, after full consultation with your Cabinet, and with other gentlemen; and its provisions made to accord with your views, and with the unequivocal understanding that it would meet your approbation. It was brought forward and passed by your friends in Congress, for the purpose of obviating all difficulties on your part, believing (as they did, from most undoubted sources,) that its provisions had received your sanction.

"I cannot, therefore, for one moment persuade myself that any credit ought to be given to a rumour of a second veto. I will hope that you will seize this occasion to sustain the confidence of the party which placed you where you are; and that you will, by the approval of this bill, render your Administration as popular as you will make the country prosperous and the people happy.

"Let no hasty opinions which you have expressed against the bill prevent you from consummating an act so honourable to yourself, so desirable to your party, so important to the country. It is the part of a great man to surmount the obstacles which obstruct the way of smaller men. Washington had his veto of the first Bank bill all prepared, with the intention of sending it to Congress; but that great man changed his purpose at the very last moment, and approved the bill. Is not his example worthy of imitation? Can you not, ought you not, to exhibit, on this occasion, those high qualities for which he was so distinguished, and which in him commanded the admiration of the whole country? [Jefferson excepted; as we well remember.] How enviable would be your position! How laudable the ambition to imitate such an example!

"By your approval of this bill, the most intimate and cordial relations would be preserved between yourself and your political friends; the con-

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fidence of the party would be sustained ; and we should all have the proud satisfaction of interchanging those reciprocal acts of kindness and good feeling which are the life and soul of all honourable political associations. May I not hope, then, that this great and patriotic purpose may influence your decision ? and that we may all return to our constituents, having by our united action accomplished the great objects for which we were called together, and receive their annunciation of ‘ Well done, good and faithful servants ! ’ ”

The mystery of this veto, given by the President to what may be called *his own* Bank bill, is not very profound. His vacillations, his attempt to shape his expressions in accordance with the Virginian theory of the Constitution, his welcoming advice from every counsellor, the tone of the letters of admonition we have cited, the influence ascribed to the appearance of Botts’ letter about “ fastening ” and “ heading ” the President, show us a man weak enough and vain enough to be guilty of any inconsistency, and to hope to conciliate the good opinions of all parties by doing, or promising, in turn, what each one wished. Tallmadge’s endeavour to stir up the resolve to imitate Washington was inevitably fruitless. Tyler would assent to his appeal, and desire to copy him ; but advisers nearer to him would soon carry him along with them to that self-stultifying veto by which he overthrew both himself and his party.

Chagrined as the Democrats had been by the Whig triumph, in this turn they found amends. Democratic meetings, held in every prominent place throughout the Union, warmly applauded the President ; and the discomfited Van Buren declared, that if he went on as wisely as he had begun he would deserve the thanks of the country, whereat the whole country smiled. But the leaders of the party took especial care, whilst using Tyler for the consummation of their own Bank policy, not to commit themselves by word or deed to any promise to adopt him as their symbolical man, or candidate at any future Presidential election ; and so it happened to him, as it has befallen many a wiser man, that he cut himself off from his former friends and adherents, who had placed him in power, and who would have strained every nerve to continue him in office for another term had he fulfilled the implied conditions of his election, without securing the support of their antagonists and rivals.

For, in fact, two days after the reading of that second veto in Congress, all the members of the Cabinet, except Daniel Webster, resigned ; and the remarks of the Secretary of the Treasury, in his letter of demission, express very plainly the feelings of the whole. “ No doubt,” said he, “ was thrown out on the subject [of the Fiscal Corporation bill] by you, in my hearing, or within my knowledge, until the letter of Mr. Botts came to your hands. Soon after the reading of that letter, you threw out strong intimations that you would veto the bill if it were not postponed. That letter I did, and do, most unequivocally condemn ; but it did not affect the constitutionality of the bill, or justify your rejecting it on that ground ; it could affect only the expediency of your action ; and whatever you may now believe as to the

scruples existing in your mind, in this and in a kindred source [which we could easily conjecture] there is strong ground to believe they have their origin."

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Webster did not resign with his colleagues. His functions, he said, were not interfered with by the Bank veto; he was engaged at that very time in a difficult negotiation with the British government; he deprecated a division in the party; he believed, or hoped, or thought he did, that the President would yet join in the establishment of a National Bank; he did not consider demission the proper movement under the circumstances;—and shall we be wronging a great man, who was after all only a *man*, if we add, that he was now for the first time in a position which he felt himself capable of filling, which was not unacceptable on other accounts, and which might prove a step in the direction of the President's chair?

The principal Whig Members of Congress met on the same day that the Ministers resigned, and again on the 13th, the day on which the Extra-Session closed, and adopted a Manifesto, or Address to the People of the United States; in which they detailed plainly and fairly what they had done during this Extra-Session, and their reasons for acting thus; they spoke freely respecting the President, telling the country what his political course had been, and what they apprehended it would in future be; how he had withdrawn from the Whigs and assimilated himself to the Democrats; wherefore, it proceeded, "those who brought the President into power can no longer, in any manner or degree, be justly held responsible, or blamed, for the Administration of the Executive branch of the government;" yet, whilst they thus declared themselves entirely separate from him, they avowed it to be "the duty of the Whigs, in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and coöperating in their support when they could, and differing from and opposing any of them only from a high sense of public duty."

Great numbers of the Whig party, we may remark, questioned the propriety both of the demission of the Ministers and of the issuing of this Address. They still thought that the President, had time been given him, would have developed his opinions and policy into something much more like Whiggism; and at all events that, by thus excommunicating him, and casting him out from the Whig party, they would cut off the whole of it from the enjoyment of the patronage of the government,—and the effect of that upon the tenure of power by the party they knew would be fatal. It would, also, have been extremely unsettling to the numbers of office-holders who had recently been inducted into government situations; and consequently it must have affected the votes of all of them, with results that might prove very embarrassing.

And here it is to be noted, that amongst the grounds for charging President Tyler with the adoption of a Democratic policy one flagrant proof was never cited. We told how Harrison's life was worn out with the task of "gratifying" (that is the phrase) the office-seekers of his party with the



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patronage their votes had put within his gift. When he thus perished, there was a sudden cessation of thronging applications at the doors of the President's official abode, but no sooner was Tyler fairly installed, no sooner had he shown himself by his Address a fit successor for Harrison, than the work began again with new ardour; nor did Jackson himself show greater energy and determination to "make friends with the Mammon of unrighteousness" than the new Whig President. His party, who had so loudly denounced Jackson for his exercise of the power of removal, mutely approved the self-same conduct when their own partisan was pursuing it. And they never discovered his strong leaning towards the principles of their opponents until he had bevetoeed both their Bank bill and his own!

Brief as this Extra-Session was, it was one of the most important under the Administration of Tyler; and produced a larger amount of notable legislation, in proportion to the number of Acts passed, than many a longer regular session. Provision was made for the widow of Harrison, as a durable testimony of regret at his sudden decease; a loan of twelve millions was authorized, for the purpose of covering the deficit under Van Buren's Administration; (for that was the end of Jacksonian "retrenchment and reform;") a "provisonal" Tariff Act laid as much as twenty *per cent.* on many articles admitted free by the "Compromise Tariff;" a uniform system of bankruptcy was established; and an Act was passed granting rights of preëmption as to the public lands, and providing for the distribution of the proceeds from land-sales amongst the States, substantially in accordance with Clay's plan. The opponents of the "American system," however, contrived to introduce a clause into this Act, suspending the distribution whenever the tariff of duties on imports was raised to a rate above twenty *per cent. ad valorem*; which in the sequel rendered this Act inoperative. Twenty-five Acts passed, and the President imposed two vetoes!

We pass over the *personal* comments on Tyler's exercise of this odious power which abounded both whilst Congress was sitting and after it had risen. They can be imagined with ease by all who are acquainted with the exorbitant demands, and yet more extravagant expectations, of political parties, under circumstances like those in which the Whig party now found itself. Suddenly, and contrary to all hope, in power; with a strong feeling in favour of their policy throughout the country, in consequence of the complete breakdown of Jackson's policy; but deprived of the chief under whom they had prepared to consolidate their advantages; and, by means of a standing anomaly of the Constitution, generalled by a chairman of committees, whom they had destined to the inglorious presidency of the Senate;—they were now paltered with by this man, and their power imperilled, if not their cause betrayed, by the weakness, or worse than weakness, of his "he would and he would not" about a National Bank! And there was the great statesman of Massachusetts; there was the mellifluous orator of Kentucky; both of them hungering for that high preëminence; neither of whom, with all his faults, could or would so ill have served the party.

One thing, however, these vetoes did, which makes them, and him too, CHAP. I. memorable in the history of the United States ;—they gave the *coup de grace* to National Banking schemes. Even Tyler's own attempt to accomplish the same purpose under another name could not restore vitality to them. We need only observe the remarkable round the National Bank ran through ;—started for banking purposes in general, and incidentally to manage the cash accounts of the government, it was attacked by Jefferson on the ground of the extra-governmental patronage it created ; and on that ground was quashed ; but revived again with its original objects in view, it was again attacked by that universal patronage engrosser—Jackson, on Jefferson's ground ; currency doctrines were resorted to, for the sake of giving external decency to the attack ; and it was overthrown by the fiscal manœuvre of removing the deposits, after the perseverance of the President in the patronage attack had weakened it. The Sub-Treasury, a fiscal scheme, on one hand, and on the other the “Hard-Money” dogmas of Benton's school, kept it from rising again ; and now it was as a fiscal dream alone (for the “Hard-Money” scheme was impracticable,) that it continued to form an article of Whig faith, and a snare for the conscience and the conduct of a weak President. A. D. 1841 to 1845.

When the Harrison Cabinet disbanded itself in disgust at Tyler's Bank vetoes, people expected generally, and some hoped, that he would select his next Cabinet from the Democrats ; but they mistook the grounds of his failure to carry out the party policy, and without deserting the Whigs, he merely resorted to the Conservatives as well, perhaps in the desperate hope of being able to collect round him a party of personal adherents. Walter Forward was made Secretary of the Treasury ; John M'Lean, who had been Postmaster-general under Monroe and Quincy Adams, was offered the post of Secretary of War, but he preferred keeping his seat as a Judge of the Supreme Court and the office was given to John C. Spencer ; Abel P. Upshur, whom we have quoted as a vindicator of Nullification, was made Secretary of the Navy ; Charles A. Wickliffe, Postmaster-general ; and Hugh S. Legare, Attorney-general. And the confidence of the party and of the country in the Administration was a little restored.

All this year the M'Leod affair was proceeding ; the earlier stages of which have already been detailed, and the issue intimated. No sooner was Harrison inaugurated than the British Minister at Washington called his attention to this matter, avowing that the capture and destruction of the “Caroline” were accordant with orders from his government, and demanding the release of M'Leod in accordance with the law of nations. At the same time Harrison heard that William H. Seward, the governor of New York, had expressed a disposition to enter a *nolle prosequi* in the case, on the part of the State ;—for, as if to complicate the business, M'Leod was a prisoner of the State of New York, and there were no means by which, constitutionally or legally, the general government could interfere for his release, although the members of it, and the Federal Judiciary generally, regarded the decision of the court of New York on the *habeas corpus*, which had been applied for, as altogether wrong.

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Without recording the *minutiae* of the affair, the real bearing of it, and the difficulty it caused the government, can be exhibited. The government of Great Britain could treat only with the Secretary of State; and the Secretary of State was powerless in the matter. It was fast hastening to be declared a *casus belli* on the part of England; and would have been so, had not the temperate and judicious course adopted by Webster, given promise that exact and even-handed justice should be dealt to the prisoner. The conduct of the mis-Anglicans generally, not excepting Calhoun himself, whose speech in Congress was not that of a statesman and senator, greatly embarrassed the proceedings of both parties, by leading the British to anticipate the enforcement of a kind of Lynch-law against M'Leod; and by preventing the Secretary of State from conveying to the British government the views and wishes of the United States' government, without misrepresentation.

After much anxious and excited correspondence and speech-making, Governor Seward's plan was adopted and carried out. It was not probable that M'Leod would be convicted, as there was no proof of his guilt;—but if convicted, he could not be executed without the governor's consent; and the retaliation which Great Britain had threatened was contingent “not on the detention, nor on the trial, nor even on the conviction of M'Leod, but on his *execution*.” Then, inasmuch as both governments agreed that his conviction would be an infringement of international law, however much Seward's private opinion might differ from that, he avowed that he should feel bound to release the prisoner from his sentence. We do not regard Seward's display of State sovereignty thus, as judicious; the more magnanimous course would have been to release the man at once;—all excitement would have been calmed; the general government would have been supported in a most constitutional manner; and none displeased except that class, which has been the bane and the opprobrium of the United States,—the Filibusters.

Yet let it not be forgotten, that whilst this matter was pending a party of Canadian Filibusters crossed the borders, and, having seized upon an American citizen, one Colonel Grogan, who was accused of having been engaged in several incendiary outrages, carried him into the British territory. This naturally increased the irritation respecting M'Leod, but the Canadian authorities promptly disavowed the outrage, and released Colonel Grogan; which removed that source of trouble.

When at length M'Leod was brought to trial, convincing evidence in proof of an *alibi* was adduced; and after an able and impartial summing up by Judge Gridley, the jury returned a verdict of “Not guilty.” He was then sent into the British province by Governor Seward under an escort, and safely given up on the north side of the Niagara river.

The State elections of the summer and fall of this year were for the most part unfavourable to the Whigs; so that the hopes of the Democratic party revived again; whilst Tyler and his adherents interpreted the change as an approbation of his course on the Bank question. In consequence of which the removals of Democratic office-holders became more rare than before.



General Scott, however, issued an address announcing himself as a candidate for the Presidency. His political opinions differed from Tyler's considerably in respect of the establishment of a Bank, and the possession of the veto power; this prerogative he declared ought to be curtailed, the judiciary being, in his opinion, "the balance-wheel" of the system, and affording all the protection which the people could desire against the usurpations of Congress.

Texas was now so intimately associated with the Union, becoming before the end of this Administration an integral part of it, that we must speak of its affairs, so far as they affected other states, here; and this the more, because they actually led to the war between the United States and Mexico, which occurred under the Administration of Tyler's successor.

Between Mexico and Texas there existed now neither peace nor war; intestine discord and contests preventing Mexico, in spite of the recognition of the independence of Texas, from endeavouring to recover it. The Texians, for their part, looked upon this as affording them an opportunity of inflicting some new blows upon Mexico; and as President Houston was not disposed to act on the offensive, the daring spirits of the country resolved to act without him. The story of their deeds of unprincipled, reckless, misguided, and fruitless bravery, will be read at full by all who desire to become intimately acquainted with the progress of "the lone Star." We have but to tell briefly how two Filibustering expeditions were got up by the Texians against Mexico; one consisting of some two hundred men, headed by General M'Loud, marched in October, 1841, against Santa Fe, where the whole of them were compelled to surrender at discretion, and were sent as prisoners into the interior:—the other in December, 1842, went under the command of Colonel Fisher, against the town of Mier,—fought a desperate battle there, two hundred and sixty-one men against two thousand three hundred and forty, (of whom they *killed* four hundred and thirty, themselves losing only sixteen men killed in the fight, or dying of their wounds!)—and the whole were likewise forced to capitulate. Of the *quality* of these men we may speak in the next chapter.

On the 6th of December the second session of this Congress commenced, and on the 7th the Message was read. It consisted of a *resumé* of the public affairs of the Union; it stated that there was still a deficiency in the revenue, amounting to more than six hundred thousand dollars; and that only about five millions and a half of the loan authorized by Congress had been taken up; and its principal recommendation related to the establishment of "a Board of Control at the seat of government, with agencies at prominent commercial points, for the safe-keeping and disbursement of the public monies, and a substitution, at the option of the public creditor, of treasury notes in lieu of gold and silver;" one intention being to "relieve the chief executive magistrate, by any and all constitutional means, from a controlling power over the public treasury." It also proposed, with singular courage and inconsistency, that Congress should regulate and restrain the power of the President to remove public officers.

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This Message opened the longest session that had ever occurred, and one which despatched a great amount of important public business, there having been enacted no fewer than two hundred and ninety-nine Acts. Besides these bills and the discussion arising out of them, Congress was occupied in this session by a thousand and ninety-eight reports, and above three hundred other bills, not passed. There were about a hundred private bills ready for final passage in the House, but retained till the next session, because the Senate was so much occupied by the Treaty of Washington and other momentous matters. The President put his veto to four bills this session; which of course occasioned much debate and many protests.

No Bank scheme was brought forward now, but instead of it the President's own plan for a "Board of Control" was considered by committees in the two Houses, and favourable reports were made on it; yet the bills introduced were not well received by Congress, and the proposal failed completely. More successful was the new Tariff in the end, though it had a difficult passage through the legislature, and afterwards encountered the perils of the President's veto.

The "Compromise Tariff" of 1833 was ready to expire, and even if it had not reached the term originally appointed it, the necessities of the government would have made some revision of it needful. The President in his Message had advised "moderate counsels," and apparently thought he had laid down a "healing" principle for the two antagonist schools of Calhoun and Clay, in the *dictum*, that "so long as the duties should be laid with distinct reference to the wants of the treasury, no well founded objection could exist against them." Both Houses at first agreed in an attempt to postpone the final determination of this perplexed and dangerous question, by passing what they called the "Little Tariff Bill," which simply extended to the 11th of August, 1842, the system of duties in force on the 1st of June, and which would otherwise cease on the 30th of June. On the 29th of June the President returned it with "objections."

Foiled thus, Congress addressed itself to its proper task, and produced a regular "Revenue or Tariff Bill." But this, too, on the 9th of August, was returned with the President's veto;—the reasons in both these instances being the same,—that the bills contained provisions for the distribution of the proceeds of the land-sales amongst the States, which the embarrassed condition of the public funds would not allow. Whereupon Congress amended its work by omitting the objectionable clauses, and to this bill Tyler appended his signature in approval, on the 30th of August, the day before the end of the session.

Macgregor, the British writer upon Tariffs, whose condemnation of every approach to "protection" we have repeatedly quoted, calls this a "monstrous tariff," and ascribes its origin to "the spirit of party, much more than the influence of the manufacturers." Clay's panegyrist, Calvin Colton, on the other hand, speaks of "the restoration of confidence consequent upon the passage" of this bill, and of the dormant capital it brought out; he also attributes to it the balance of trade somewhat in favour of America, "though

not much to boast of." He tells us, too, that the prices of agricultural produce "generally and considerably improved under its operation;" and makes this confident appeal,—“All know how the country has prospered under the Tariff of 1842.” Its “protective” character is clear from these commendations; but why he should still cite the practice of Great Britain, and make what the Old Country, with its grievous burden of “landed interests” and its obstinate conservatism, did to the prejudice of its trade and of its people, a ground for doing likewise in the United States, happily neither conservative nor aristocratic, is, and remains, a mystery,—all the greater, that men of mark and eminence held and acted on the same strange economical opinions. We require no other general answer to all that has been, or can be, said in favour of this Act, beside the fact that in 1844 another Tariff was declared necessary by not the least enlightened financiers of the Union, as we shall presently learn.

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Some other Acts of this session we may notice summarily. By one, cases like M'Leod's were removed from the jurisdiction of the States to that of the Federal courts, as was befitting; by another, a new ratio of representation was fixed, at 70,680 inhabitants for each representative, with an additional Member in each State having a fraction greater than one moiety of that number; others authorized the extension of the loan; the issue of treasury notes; the publication of the narrative, &c., of the Exploring Expedition; the construction of a war-steamer, &c.

Few instances have occurred, even in the history of the United States, of the Executive office of the government having such a deplorable minority in the Legislature to represent his views and support his measures, as Tyler had during this session. Neither in the House nor in the Senate did either party appear willing to afford him assistance; nor would either recognise him as one of them. One Whig Senator, a compatriot of the President, William C. Rives, alone adhered to his fallen fortunes; and amongst the Representatives there were only some half a dozen of the same party who stood by him. At the White House his partisans appeared more numerous, for at that “Pool of Bethesda” were always to be found the disappointed and the needy of all parties, and the adventurers who were ready to serve any party that would serve them, waiting in the hope of moving the President to exercise in their behalf that questionable power of his to create offices for his followers. With one like Tyler it is not astonishing that this worse than mercenary band should seem the genuine representatives of the public feeling with regard to him. And hence, it appears, he persevered in his wayward course, undeterred by the signs which could not be mistaken, of hostility to him personally, and to his whole line of policy, in Congress.

One most ominous sign of displeasure, and not unprovoked, (as all must admit,) was a report touching upon the exercise of the veto power, drawn up by John Quincy Adams, on the occasion of the disapproval of the second Tariff Bill. “A comparative review,” it was remarked, “of the four several vetoes which, in the course of fifteen months, have suspended the legislation



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of this Union, combined with that amphibious production, the reasons for approving and signing a bill, and at the same time striking by judicial construction at its most important enactment, illustrated by contemporaneous effusions of temper and of sentiment, divulged at convivial festivals and obtruded upon the public eye by the fatal friendship of sycophant private correspondents, and stripped to its naked nature by the repeated and daring assumption both of legislative and judicial power, would present anomalies of character and conduct rarely seen upon earth. \* \* \* \* [The Representatives] perceive that the whole legislative power of the Union has been, for the last fifteen months, with regard to the action of Congress upon measures of vital importance, in a state of suspended animation, strangled by the five-times repeated stricture of the executive cord.

"They observe, that under these unexampled obstructions to the exercise of their high and legitimate duties, they have hitherto preserved the most respectful forbearance towards the Executive chief; that while he has, time after time, annulled by the mere act of his will their commission from the people to enact laws for the common welfare, they have forborne even the expression of their resentment for these multiplied insults and injuries. They believed they had a high destiny to fulfil, by administering to the people in the form of law remedies for the sufferings which they had too long endured. The will of one man has frustrated all their labours, and prostrated all their powers. The majority of the Committee believe that the case has occurred in the annals of our Union, contemplated by the founders of our Constitution, by grant to the House of Representatives of the power to impeach the President of the United States; but they are aware that the resort to that expedient might, in the present condition of public affairs, prove abortive. They see that the irreconcilable difference of opinion and of action between the Legislative and Executive departments of the government is but sympathetic with the discordant views and feelings of the people."

Against this report the President protested by Message, maintaining that, however unusual, his exercise of the veto power was perfectly regular and constitutional, and in strict accordance with his sense of responsibility regarding the duties imposed upon him. He added, that had he been impeached before the Senate, he would have met the accusation with firmness; and concluded by protesting against the unfairness and unconstitutionality of the report. And thus it happened that the two active branches of the government were brought into violent collision again; and nothing but the lack of an opponent like Jackson saved Tyler from humiliations of the kind that John Quincy Adams was so unbecomingly subjected to, when he occupied the President's chair.

We have not often spoken of abortive measures, unless they involved momentous principles. We therefore do but briefly notice here the failure of another Banking scheme originated by the President, and called "the Exchequer Plan." It was a proposal to assist the operations of the government by establishing a board of exchequer in connexion with the Treasury

department; and it was calculated that its bills would be so eagerly sought for by the public creditors, that the issue would in a short time reach the amount of fifteen millions of dollars, which was to be the *maximum*; and that ten million dollars would thereby be added to the available means of the treasury without cost or charge. Favourable reports were made upon this plan in both Houses, and in each a bill to establish such a board was introduced; but Congress was not impressed with the feasibility or desirableness of the thing; or it may be that it feared to provoke another veto by taking up and endeavouring to carry out the President's own recommendation; the scheme was in consequence abandoned.

Millard Fillmore, who has himself since then been President of the United States on the same terms as Tyler, namely, as "Vice-president occupying the office of President;"—for so some of the literalists contended Tyler should be entitled,—as chairman of the committee of ways and means, reported very unfavourably to this "Exchequer Plan." And amongst the objections marshalled in his report with great effect and skill, are some that need a passing notice, as containing views of the actual condition of the Union, most profoundly interesting to the historian; besides indicating the shape which the hostility to government Banks took with thoughtful men, after Jackson had "reformed" the Union. "The various officers and agents," says he, "which would be selected to take charge of such an institution, are not likely to have the requisite financial skill, even if they should have the requisite moral honesty. They will be selected from party and political considerations. Thus it ever has been, and thus it ever will be. But even if they had the skill, they would not feel that solicitude which self-interest alone can create, and which is indispensable to the successful management of a bank. But among such agents appointed from such motives there will be many whose moral integrity cannot be safely trusted. We have deplorable evidence of this in the numerous defaulters to the government, and the scarcely less numerous instances of bank officers, acting under the immediate eye of those interested, who have embezzled the funds which they were paid to guard."

"If it were possible," he added, "to have such an institution without increasing executive power, or endangering the treasury, which should be administered by men of undoubted talents and integrity, endowed with competent financial skill, and a cautious, vigilant sagacity, uncontaminated with political and partisan bias, it is undoubtedly capable of rendering some service both to the business wants of the country, and the financial embarrassments of the treasury. But to hope for this is to expect a change in human nature itself, and in the ordinary motives that govern the conduct of men, and especially political men, little less than miraculous. Our institutions were based upon no such theory of human perfectibility. They contemplate the possibility of error and vice in those who are intrusted with power, and therefore guard the trust by every limitation, as to time and amount, not incompatible with the object to be obtained."

Before Congress adjourned, the Senate was called upon to ratify a very

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important treaty with Great Britain, known in history, from the place where the negotiations were carried on, as the Treaty of Washington. Daniel Webster was the negotiator on the part of the United States, and in behalf of Great Britain Lord Ashburton arrived at Washington, as special minister, on April the 4th, 1842. Besides the Boundary question, of which so much has been said, there were other matters of no small moment to be discussed, and if possible settled now;—one, the indemnification or “atonement” due on the ground of the violation of the United States’ territory when the *Caroline* was destroyed, and for that vessel, if it were not proved that its owner had acted in conjunction with the Filibusters of Navy Island;—and another the right of search claimed and enforced by the British cruisers, as to ships suspected of being slavers, which arose near the end of the preceding year.

Upon the last subject there had been a very voluminous correspondence between Andrew Stevenson, minister of the United States at London, and Lords Palmerston and Aberdeen: the British ministers insisting upon the necessity of ascertaining whether vessels, sailing under the United States’ flag in certain latitudes, were really American; because, although other countries which had concluded treaties with Great Britain for the suppression of the slave-trade had conceded the right of search, the United States, in its treaty for that purpose, had refused to concede this point,—this “right of search” happening to be associated in all American minds with the claims advanced by Britain in the time of the “Orders in Council;” out of which had arisen “the Second War.” In consequence of this, however, it was a usual thing for slavers to hoist the American flag; and of course the whole system of blockading the coast of Africa (in itself, perhaps, one of the unwise schemes possible) would be rendered nugatory. Stevenson’s part in the correspondence consisted merely of the repetition of the assertion, (not without very scantily covered threats of war,) that the right of search was a claim which America would on no account concede; for not only was he a Virginian, but so was the President himself; and the concession would undoubtedly have made such an upstir from one end of the country to the other,—“Maritime Rights” in the North, “Peculiar Institution” in the South,—as no Administration could stand against.

As if to fan the flame, there happened about the same time a somewhat singular case. The brig “*Creole*,” of Richmond, Virginia, sailed from Hampton Roads for New Orleans, on the 27th of October, 1841, with a cargo of merchandise, principally tobacco and slaves, (we are quoting an authentic account of the affair,)—as it was, and is, no unusual thing for vessels to do, this being really but one form of the internal slave-trade. On the 7th of November, some of the merchandise, to wit the slaves, rose against the crew, wounding some of them very severely, killed a passenger, (who was the owner of part of them,) obtained complete possession of the brig, and carried her into the port of Nassau, in the island of New Providence, one of the Bahamas; where, as it was a British possession, no doubt the poor creatures expected to be recognised as human beings, and not as merchandise.



When they arrived there, at the request of the American consul the governor of the island placed a guard on board the brig, to prevent the escape of any of the negroes until the case could be investigated: And this having been done, a hundred and fourteen of the negroes were at once set free; the remainder, nineteen in number, having been identified as participants in the mutiny, were ordered into confinement to await further orders from the British government; greatly to the disgust of the consul and of the whole South, who expected to receive them, and to have the satisfaction of making an example of them in America. So high did the indignation rise in that part of the Union, that the British government was accused of abetting piracy and murder; although it had actually held its own law respecting the freedom of negroes coming to any of its possessions, and had put the mutineers in hold; and as if the slave-trade, internal and external, altogether, were not itself essentially piracy and murder.

Now it was rather remarkable, that in the beginning of the same year some negroes who had been carried off from the west of Africa in a Spanish slaver, called the "*Amistad*," rose in revolt during the middle passage, killed some of the crew, and seized the ship, which, coming near the American coast, was taken possession of by the officers of the nearest port. In consequence of the claim for salvage due to those who saved it, the whole affair came legally before the American courts,—*in the North*, providentially. The Spanish ambassador claimed the negroes, not as property,—but as *criminals*; and Connecticut vindicated its independent sovereignty and its philanthropy at once, by refusing to give them up, and by trying them in its own district court for murder, and *acquitting* them, on the ground that the negroes were not the lawful property of any one, but free men illegally captured, and held in bondage, and therefore the injured persons in the case, having good ground of action against those who had subjected them to confinement. And they were accordingly released, the claim to salvage on account of them being also, on the same ground, dismissed.

Daniel Webster had the honour of vindicating this decision of the court against the Spanish minister. But he could not very successfully establish his claim against the British government for doing the same thing which Connecticut had done; although he did place it on a different footing, and endeavoured to resolve it into a question of "maritime rights," and national jurisdiction under the national flag. The nineteen *free men* were not given up, but were tried at Nassau for the technical crime they had committed in order to escape from slavery; and do not concern us any more.

When Lord Ashburton undertook the duties of carrying on the negotiations, matters proceeded at a much more rapid rate, and in a far more satisfactory manner, than before. The "*Caroline*" business was soon despatched; it being clearly not of the kind on which to base the maintenance of the national honour. The other points were the North-east Boundary, the Right of Search, and mutual extradition of fugitives from justice, and the more active suppression of the slave-trade. On the 9th of August, 1842, four

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months after the arrival of Lord Ashburton, the labours of the negotiators were brought to a successful conclusion, and the treaty of Washington signed. By this treaty the boundary between the State of Maine and the British provinces was at length definitively settled. We need not describe this line particularly, but we may say that, although not literally in accordance with the terms of the treaty of Versailles,—which here, as well as farther west, betrayed the insufficient geographical knowledge of its framers,—it was as fair as concession on both sides could make it, and has given ample satisfaction to all the reasonable in both countries.

Further; the navigation of the river St. John was declared free; all grants of lands, on whichever side of the boundary line they might be, were to be held valid; and the United States agreed to satisfy the claims of the States of Maine and Massachusetts, out of its share of the Disputed Territory Fund. By the eighth article it was stipulated that Great Britain and America should each maintain on the coast of Africa a sufficient squadron or naval force, carrying not less than eighty guns, for the purpose of enforcing separately and respectively the laws, rights, and obligations of the two countries for the suppression of the slave trade. And so the “Right of Search” controversy was silenced.

By the ninth article, the parties to the treaty agreed to unite in all becoming representations and remonstrances with those powers within whose dominions slave markets were allowed to exist; and to urge upon such powers the propriety and duty of closing such markets at once and for ever. So that the United States undertook, respecting foreign states, a duty which Congress, the Executive, and the Federal Judiciary too, had declared the general government incompetent to perform with respect to the States composing the Union severally! Another article of the treaty provided for the reciprocal extradition of fugitives from justice,—an arrangement of the highest importance to Great Britain in one respect, and in another not less so to the United States, as tending to keep away from their shores the overflow of the criminal population of the parent country.

The Senate ratified this treaty by a majority of thirty-nine against nine, Senator Benton being one of this diminutive minority; and the bill for carrying the treaty into effect passed in the following session with the equally emphatic assent of both Houses of Congress. General Cass, who had been ambassador at Paris, we are sorry to learn, did not approve the treaty, and offered such comments upon it in his despatches home that Daniel Webster found it needful to administer certain rebukes to him, and did so in a judicious, and not wholly ineffectual, manner. Nevertheless, it must be noted that the example was set of the assumption of authority by an ambassador abroad, which was incompatible with the merest semblance of authority and order at home or abroad; that the blame of originating this species of insubordination may rest upon the real inventor.

One other matter, of a private nature though of public interest, belongs to the records of this protracted session of the twenty-seventh Congress:—

it was then that Henry Clay, having his eye upon the chief magistracy, imitated the tactics of Madison, and withdrew from the Senate, on the 31st of March, 1842, into private life;—becoming “the Farmer of Ashland,”—but not affecting to “talk of bullocks,” as Jefferson did, when he found himself in retirement, and panted for the bustle and the flattery of publicity. It will not be long ere we meet him again.

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Congress met again for a short session, on the 5th of December, 1842, and the Message was received two days later. After congratulating the legislature on the completion of the Treaty of Washington, the President said, “It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two governments [of the United States and Great Britain]. The territory of the United States, commonly called the Oregon territory, lying on the Pacific Ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens; and the tide of population, which has reclaimed what was so lately an unbroken wilderness in more contiguous regions, is preparing to flow over these vast districts, which stretch from the Rocky Mountains to the Pacific Ocean. In advance of the requirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments, to settle their respective claims.” This is the first public notice of this “question,” which had ever since 1818 been visible to all eyes, though not officially, as one of the next that would engage the diplomacy of the two countries.

The financial statement contained an announcement of a continued deficit of five millions of dollars. The receipts from all sources during the first three-quarters of the year had amounted to above twenty-six millions and a half of dollars; but the expenditure exceeded twenty-six millions. The remedying of the defects of the Tariff Act was urged upon Congress, and it was suggested that the warehousing system might be advantageously adopted. The Exchequer Plan was again commended to the notice of the legislature, and expounded at great length; and the embarrassed state of the public credit, which arose from the deficit, from “the utter and disastrous failure of the United States’ Bank of Pennsylvania,” and (as we can see) from the “repudiation” of their debts by several States, was appealed to as a reason for immediate attention to the subject.

The proceedings of this session were not of great moment. The Act which most requires notice was a repeal of the Bankruptcy Law of the preceding session; for as this enactment had been called for from the very commencement of the Union, and as it had not been in operation for a twelvemonth; we are painfully impressed with the influence of mere electioneering considerations upon the legislation of Congress, and with the strange views of commercial necessities taken by the politicians of Washington.

Foreign affairs deserve more notice. The Act for carrying out the treaty of Washington has been mentioned; and, as we remarked, this did not exhaust



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the questions at issue between the governments of the United States and Great Britain. The Oregon Territory was fixed upon by the warmer partisans as soon as ever the North-east boundary was determined, for the purpose of keeping up the excitement of the country against the parent country. Benton's view of the matter we saw long ago; and it was moderation itself compared with the opinions put forward by others of the party, both in and out of Congress. And although the President informed the legislature that he was about to enter into negotiations with Great Britain for the purpose of terminating the joint occupation, and fixing the boundary between the States and the Province, a bill was brought into the Senate, and carried by a majority of one, for taking possession of the whole of the disputed territory, the title of the United States to which it declared was certain, and would not be abandoned. Happily for the reputation of America it did not pass the other House.

It was hoped that the practical settlement of the "Right of Search" question would have sufficed for the most ardent advocate of American dignity; but it was discovered that Great Britain had not been required to renounce her claim, and actually had not disavowed the right, under certain circumstances. But as it appeared, after a vast quantity of additional correspondence and oratory, that all which Great Britain claimed was the right of *visiting* vessels hoisting the American flag off the coast of Africa, and *inquiring* whether they really were American; and as America claimed and exercised a similar right in the Gulf of Mexico; there could be nothing more said or done in the matter than had been done already, and it was hoped by the peaceably disposed that the American cruisers would be vigilant enough to make no visit of inquiry from the British cruisers needful.

Another source of trouble was the non-payment of either interest or principal of the State debts. And this brought to light a defect in the Constitution which may yet produce trouble for the Union. Unless the British creditors of the repudiating States chose to attempt the costly and uncertain remedy of a process in the Federal Courts, there was no way open to them for reaching their debtors, except through the public press. They could not appeal to the State legislatures, for they were prohibited by the Constitution from engaging in negotiations with foreign powers; and Congress, by the Constitution, possessed no jurisdiction in the domestic affairs of the States. Hence the memorial to the Minister at London, Edward Everett, and the petition addressed to Congress by the facetious Sydney Smith, Canon of St. Paul's Cathedral, London,—were equally vain. But of this we must speak in another place.

Daniel Webster, after he had concluded this Treaty of Washington, opened the subject of "Impressment" in a letter to Lord Ashburton. Either he shared the once popular feeling on that point; or, as this is a very improbable supposition, he could not afford not to leave on record some sort of proof that he had been mindful of this long agitated subject. It was a little out of date, for Great Britain, instructed by her experience in the last war, had

given up the practice of impressing seamen for her navy; and as she did not impress her own subjects at home, it was not in the least probable that she would force into her naval service such as had practically renounced their allegiance to her. It was more to the purpose, that in the following year, 1843, the same great statesman endeavoured to excite a popular feeling in favour of a commercial treaty with Great Britain, upon the basis of mutual reductions of import duties;—a far wiser movement than that of Clay, whose “American system” remains one of the most lamentable mistakes of our legislation. “Sympathy” for Ireland began to be used now, too, as a weapon of offence against Britain.

We have to note here, also, the provision for the means of intercourse (*diplomatic*, it may be styled, by courtesy) between the United States and the government of China. The war between China and Great Britain seemed to afford a good opportunity for commencing such relations with the Celestial Empire; and a commissioner, Caleb Cushing, was appointed for the purpose of attempting to improve it; which he did with great success, and negotiated a valuable treaty.

Caleb Cushing had been nominated Secretary of the Treasury, to fill up the vacancy occasioned by the resignation of Forward; but though thrice the President returned to the charge, in the hope of wearying out the constancy of the Opposition, he was thrice and irreversibly rejected. Three times, in like wise, and in vain, was Henry A. Wise proposed as minister to the court of France; so great was the hostility of the Senate to the President.

After the termination of the session of Congress, on the 3rd of March, 1843, when its term of office also expired, other changes occurred in the Cabinet. In May Webster resigned his post; and after filling it temporarily with the Attorney-general, in July Tyler reconstructed his “council.” Upshur was made Secretary of State; Spencer became head of the Treasury department; James M. Porter was Secretary of War; David Henshaw, of the Navy; Wickliffe retained the Postmaster-generalship; and John Nelson became Attorney-general. Of these, Porter, Henshaw, and Nelson were Democrats; and thus Tyler justified the suspicions of the Whigs, and took another step away from his former partisans. The Senate did not ratify the appointment of Porter and Henshaw; and William Wilkins was, with its consent, placed over the War department, and Thomas W. Gilmer over the Navy.

We cannot linger over the unhappy mutiny, or attempted mutiny, of the “*Somers*.” It is enough to say that one of the three conspirators, who suffered at the yard-arm for their crime, was the son of Spencer, at that time Secretary of War. The elections require our attention. They were, in the autumn of 1843, more adverse than before to the Administration; and gave some signs, which in the end proved not fallacious, of a recovery of power by the Democratic party. General Scott, as we heard, was already proposed as a candidate for the Presidency; and, as we suspected, Henry Clay was now spoken of. Van Buren’s Locofocos announced their intention of trying to carry him in for a second term of office; and Calhoun was

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When the new Congress, the twenty-eighth, met on the 4th of December, 1843, although the Whigs retained their command of the Senate, in the House of Representatives there was so great a change in favour of the Democratic party, that their candidate, John W. Jones, was now made speaker, by a hundred and twenty-eight votes against fifty-nine given to White, his formerly successful opponent. And, as if to demonstrate that they were not a whit more disposed now than we have always known them to attend very punctiliously to the laws, when any matter of interest to the party was at issue, the Democrats sustained, in opposition to the Whigs, the validity of the elections of the Representatives from New Hampshire, Georgia, Mississippi, and Missouri, although they were not in conformity with an Act of the last Congress. A hundred and twenty-four votes against sixty-nine forbade the Whig protest against the right of these Representatives to seats in the House from being so much as read.

Can it be owing to this new infusion of exasperated partisans that we read of two instances of personal affrays in the very Halls of Congress? These lamentable facts must be noted, for they possess a very painful significance, which we leave the candour and ingenuity of our readers to discover and apply. In one case, a Representative from Ohio, John B. Weller by name, attacked a newspaper correspondent in the House itself, and gave him a severe beating; in the other, two Representatives, John White of Kentucky and George Rathben of New York, quarrelled in the House, and from words quickly came to blows; whereupon, a by-stander, not a Member of the House, interposed, and, being roughly repulsed, fired a pistol at the Member who declined his pacific offices, and the ball (for it was loaded) seriously wounded one of the officers of the House. The notice taken of these outrages appeared to many observers very inadequate.

The President's Message referred satisfactorily to the operation of the treaty with Great Britain, and spoke at greater length than before of the Oregon question, asserting the American claim to the parallel of 54° 40' north latitude; but also stating that nothing would be left undone to bring the negotiation then commencing to a speedy and happy termination. Turning to Mexico, it said;—"It must be regarded as not a little extraordinary, that the government of Mexico, in anticipation of a public discussion, which it has been pleased to infer, from newspaper publications, as likely to take place in Congress, relating to the annexation of Texas to the United States, should have so far anticipated the result of such discussion as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States." And then followed, at some length, a discussion of the Texas question, the meaning of which was the annexation of Texas at all hazards.

No new light was thrown upon the finances. The receipts for the year were said to be a little more than eighteen million dollars, and the expendi-



ture, about twenty-three millions; exclusive of loans. The deficiency was declared to be about two millions, if it should happen that four millions of Treasury notes then outstanding were not returned; if they were, "they would require provision for their redemption." The loan of 1841 was also spoken of as about to fall due at the end of the next year, in consequence of which more than five millions and a half must be "provided for, or postponed by a new loan."

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A long exposition of currency doctrines, including National Banks, Treasury notes, and metallic coinage, succeeded; and then this paragraph. "The operations of the Treasury now rest upon the Act of 1789 and the resolutions of 1816; and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that the public sentiment is adverse to the plan either as heretofore recommended to Congress or in a modified form, while my own opinion in regard to it would remain unchanged, I should be very far from again presenting it to your consideration. The government has originated with the States and the people, for their own benefit and advantage, and it would be subversive of the foundation principles of the political edifice which they have reared, to persevere in a measure which, in their mature judgments, they have either repudiated or condemned."

Little interest can be found in the business actually completed by Congress during this session; it was chiefly of the routine order;—private and local acts; appropriations for carrying on the government; for harbours, rivers, fortifications, pensioners, dating as far back as the Revolutionary war, in some instances; acts to amend the last Judiciary act, to regulate the management of the Territories, to refund the fine imposed on General Jackson at New Orleans, (which was offering a premium for violating the law, quite as palpably as the repayment of the valiant Matthew Lyon's fine, we heard of some time ago;—) these and business of the same kind, a hundred and eighty-eight Acts in all being passed, engaged the chief attention of the legislature.

Early in the session George M'Duffie (well known to us) made an attempt to get the Tariff Act of 1842 repealed, and the Compromise Act of 1833 substituted for it. The Act of 1842, he declared, though called one "to provide revenue," ought to have been named "an Act to *prevent* revenue." "An idea has got abroad," he said, "—and I am sorry to say many of the friends of Free-trade have been deceived and betrayed by it, as many patriot soldiers have been by the holding out of false colours,—an idea has obtained currency, that, although you cannot impose duties for any other purpose but that of revenue, yet you may rightfully impose revenue duties 'with a *wise* discrimination for the protection of domestic manufactures.' This is part of the new system of tactics to which the manufacturers have found it necessary to resort. They say one thing and mean another. What do they mean by a *wise* discrimination? Obviously a discrimination that will exclude imports and *diminish* revenue. 'A *wise* discrimination!' Pray, what is your whole system of re-

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venue, levied as it is exclusively from duties on imports, but an enormous discrimination in favour of the manufacturers and their confederates, and against all other classes?" "When," he added, "you have prohibited the importation of manufactures from Europe, you will have totally destroyed the demand for six-sevenths of our cotton, rendering it utterly valueless."

M'Duffie's attempt was defeated by the following resolutions, introduced by George Evans, of Maine. "*Resolved*, that the bill entitled 'a Bill to revive the Act of the 2nd of March, 1833, usually called the Compromise Act, and to modify the existing duties upon foreign imports in conformity with its provisions,' is a bill for raising revenue, within the meaning of the seventh section of the first Article of the Constitution, and cannot therefore originate in the Senate; therefore—*Resolved*, That it be indefinitely postponed."

Benton would have done good service to the cause of wise commercial legislation, had he but found fit audience. He exhibited three tables of the Income and Population of the United States, at different times; first under "Low Revenue Duties, from 1791 to 1808;" the next under "High Protective Duties, from 1817 to 1843;" and the third "showing what ought to have been received from Customs, under the Protective System, to have been equal to the Receipt under the Revenue System." And respecting them he observed:—

"These tables speak a language which cannot be misunderstood; and they place in the strongest contrast the working of the two systems during the two periods; the beauty and advantages of one, and the deformities of the other, standing out in the boldest relief. In the first period, amplitude of amount, steadiness of the product, and regularity of the increase strike every beholder. In the second period all this is reversed; confusion and madness seem to reign in our Treasury. Sometimes millions too much,—then not half enough. Sometimes surpluses to be distributed, — then deficits to be supplied. Giving away one day,—begging or borrowing the next. Always a feast or a famine,—never the right thing. Our poor treasury became a balloon,—sometimes soaring above the clouds,—then dragging in the mud;—now bursting with distension,—now collapsing with depletion." "Such is the difference between the working of the two systems, after twenty-five years trial of each!"

More important, however, than this was the attempt made by Tyler to engage in a Treaty of Annexation between the United States and Texas. The provisions of the compact, which was conditionally signed, were such as we can imagine them, except one, by which the United States assumed and agreed to pay the debts and liabilities of Texas, however created, which were estimated not to exceed ten thousand dollars. This Treaty the Senate in April, 1844, declined to accept or ratify, by a vote of thirty-five against sixteen.

Immediately after this rejection of the Treaty, Benton, in open Senate, introduced a bill for the annexation of Texas, provided the consent of Mexico were first obtained. And the President sent a Message to the House, announcing the refusal of the Senate to ratify his Treaty, in a manner which

indicated his great desire that some measure to accomplish the object of the Treaty should be originated there; but the Representatives understood Tyler's motives, (we *cannot* attribute to them any excessive desire to keep to the letter of the Constitution,) and the Message was referred to the committee on foreign relations, and there left for the present. This expiring effort of the President to clutch at a chance of reflection was too undisguised for success; and Benton did but express the general feeling of the country when he denounced it as "a fraud," "a base, wicked, miserable Presidential intrigue," (and who should know what such were, if not the bosom friend of Jackson?) "originating in the most vicious purpose," and "prosecuted for the most knavish conclusions;" whilst the appeal from the decision of the Senate involved in Tyler's Message he regarded as an insulting violation of the Constitution which deserved impeachment.

Let it be carefully noted;—the Democratic party (except a small section in the North) were, as Benton said, for "Texas, then, now, and always;"—but they saw (as who could help seeing?) that Tyler and his *ex officio* supporters looked upon the *Annexation* as the means of keeping them in their places, and that their "now or never" zeal to conclude and ratify the Treaty arose, not from regard to the feelings of the great majority of the citizens of the Union, but from selfish considerations entirely. This endeavour to turn to their own ends the party measures of their opponents was too baldly made; and there was also a whole "army of martyrs,"—place-hunters who had not so much as the hope of a place under Tyler,—whose keenness of vision at least equalled, perhaps surpassed, that of the actual incumbents; so that the sole chance for success lay in the possibility of a division in the Democratic ranks,—provided that the Whigs brought forward no candidate more popular than Tyler.

And this condition turned against them. For, on the 1st of May, in this year, 1844, at Baltimore, the National Whig Convention, for the nomination of President and Vice-president against the next election, assembled, with greater force, and in a more imposing manner, (every State being adequately and numerously represented,) than ever before; and, with unanimity quite enthusiastic, Henry Clay was selected as the candidate for the chief magistracy, and Theodore Frelinghuysen (originally of New York, as his name indicates,) for the Vice-presidency. Should we ever be excused for omitting this characteristic account of the scene? The narrator is Calvin Colton, we scarcely have need to say.

"For the first office no balloting was required, for the idea of a dissenting voice would have been shocking; and when the Hon. Mr. Leigh, of Richmond, Virginia, after having been announced for that purpose by the Hon. Ambrose Spencer, president of the convention, rose to read the declaratory resolution, he could not finish it before the assemblage burst forth with an acclaim which could as ill be conceived by one not present as described by one who was. Men of snow-white heads mounted the chairs on which they had been seated to aid the chorus and wave their hats and kerchiefs, and



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then sat down to weep, while stouter hearts sustained the long-protracted shout. When it had ceased, the president again called upon Mr. Leigh to read the unfinished resolution, which was again interrupted in the same manner and with the same result. As all knew what it was, it seemed impossible to get the resolution read. It was, however, finally, though with difficulty, announced. The shouting that followed shook the walls of the edifice, till it began to settle, and was supposed to be falling, occasioning a panic and rush, in singular contrast with the exultations of the previous moment. No harm, however, was done, and order was soon restored. \* \* \* One hundred thousand persons were supposed to be present. The convention dispersed in full confidence of final success."

Clay was understood to be unfavourable to the immediate annexation of Texas, particularly if Mexico did not consent. Van Buren, who was announced as the Democratic candidate, was committed to the same views; and thence, when the Democratic National Convention met at Baltimore, on the 27th of May, the first seven ballots, though they showed a majority in favour of the former President, (for the delegates had been instructed to vote for him, before his heresy on the Texas question was known,) did not give him two-thirds of the votes. By the seventh ballot, Van Buren's hundred and forty-six votes had fallen to a hundred and four; General Cass's eighty-three had risen to a hundred and fourteen; Johnson and Calhoun had disappeared, and James K. Polk had come in sight. Thereupon ensued a "compromise," the issue of which was the withdrawal of Van Buren's name, and the agreement of all the delegates to vote for Polk, who, not being a conspicuous party-leader, though a warm partisan, had the advantage of being less opposed than any other, at the ninth ballot. Silas Wright of New York, as in some sort a compensation to the Empire State for the rejection of Van Buren, was chosen as candidate for the Vice-presidency; but, as he declined, George M. Dallas was appointed.

In addition to the Texas question, these Democratic candidates conciliated the support of the whole party by declaring themselves in favour of the claim to all the Oregon Territory, and resolved to advocate the occupation ("re-occupation," they said, though it had never been occupied by the United States alone) of the entire tract; as well as the re-annexation (for so they termed it, though why, unless to veil the unpleasant fact staring through the thin covering of "annexation," we cannot tell) of Texas.

About the same time, and in the same city, Tyler's friends held a convention, and nominated him for reëlection.

One other event which happened before the close of this first session of the twenty-eighth Congress, on the 17th of June, we may mention here. On the 20th of February the United States' steamer "*Princeton*" made an excursion on the Potomac, with a most distinguished crew on board,—the President, the Members of his Cabinet, and a goodly number of friends and ladies. It was, in fact, to try some very large guns of wrought iron, to carry a ball of two hundred and thirty pounds weight, which had been made under

the direction of Captain Stockton. The gun was fired, and again fired, and sent its charge nearly two miles, to the great satisfaction of the numerous and gallant company; but, on the return, Gilmer, the Secretary of the Navy, requested the captain to discharge it once more. This time the gun burst, and Upshur, Secretary of State, with Gilmer, and three other gentlemen, was killed on the spot, a domestic slave of the President died of his wounds in a few minutes, and the captain, with about twelve of the crew, was in some degree injured by the explosion; accident only prevented the slaughter from being more terrible.

Both Houses of Congress appointed mourning, and adopted resolutions of sympathy on account of this shocking catastrophe. The Attorney-general acted as Secretary of State for a short time, and then John C. Calhoun was appointed; John Y. Mason was made Secretary of the Navy; and when, in May, Spencer gave up the Treasury, George M. Bibb was appointed in his room.

After Congress separated, the most energetic canvass was carried on; and in August it became apparent that Tyler's nomination could not produce any good effects, his partisans being in reality more desirous for the success of Polk and Dallas. His name was therefore withdrawn, and he himself published an address, in the course of which he said, "I appeal from the vituperation of the present day to the pen of impartial history, in the full confidence that neither my motives nor my acts will bear the interpretation which has, for sinister purposes, been placed upon them." And we have demonstrated that his appeal has not been in vain.

It was about this time that attention was called to the simultaneous growth of two precisely opposite feelings with regard to Ireland and the Irish. This ill-starred portion of the British Isles had been governed more like a conquered province than like a kingdom once independent, and now by its own voluntary act united to the Empire. But it must, at the same time, be admitted that the genius of its people, and their slavish submission to the Romish Church, had made them such, that European governments must have been prodigiously advanced in political knowledge, and European nations in liberty, had any other kind of rule been thought of in Ireland. For a long time a steady current of emigration had flowed from this island to the United States, and the most ardent of the hottest section of the mis-Anglicans of America were to a man immigrant Irishmen. Ever since Jefferson's time the State governments, and the general government too, had encouraged this influx of excitable, able-bodied citizens. Naturalization was made so easy, that the Presidency alone was *taboo* to aliens. And the State laws were administered with such laxity, that every British emigrant ship brought cargoes of American voters! Under such influences it is not wonderful that in some parts of the Union the Irish increased and multiplied, until they formed a visible element of the population; and began to assert themselves with greater positiveness than was agreeable at the ballot boxes. And this was the origin of the "Native American" party, of which mention

CHAP. I. has already been made; and which we shall see in the next chapter, and in the following Books, attempting to realize its dogma of "America for the Americans" by the liberal employment of six-shot revolvers and portable dagger-knives.

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But few things could be more remarkable than that precisely coincident with the adoption of this dogma was the uprising of a vehement and uproarious profession of sympathy for Ireland. For it happened, that in these same years, or rather months, the great Irish Tribune, Daniel O'Connell, was making Ireland the "chief difficulty" for every possible English Administration, and demanding (with the support of hundreds of thousands both in Great Britain and in Ireland) the "*Repeal* of the Union." The temptation to assist him, and so to carry the war into the enemy's country, (for all know that the parent country has always been regarded as a natural enemy by large classes in the United States,) was too strong to be withstood; and contributions to the weekly and monthly "Rint" of the Milesian agitator, flowed freely from "Sympathizers" on this side the Atlantic. From O'Connell's self-exiled compatriots, there can be no doubt, much of this "hard-money" sympathy came; but it is as well known that the sympathy itself was American, not Irish. And the proof of it lay in the fact, that the avowal of Anti-slavery principles by the Repeal orator put an end to the sympathy and the contributions suddenly and finally. One watch-word of the Irish Repealers, "Ireland for the Irish," was destined, when parodied into "America for the Americans," to play some part in the foreign history of the Irish people; as we shall ere long discover.

All this summer long the most active endeavours were made by the leaders (of every grade) of the antagonist parties to carry the Presidential election. The result of the votes, although not officially made known till after the opening of Congress, we may give here. For James Knox Polk as President, and for George M. Dallas as Vice-president, there voted the States of Maine, New Hampshire, New York, Pennsylvania, Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Indiana, Illinois, Missouri, Arkansas, and Michigan—a hundred and seventy votes in all. Whilst for Henry Clay and Theodore Frelinghuysen, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Tennessee, Kentucky, and Ohio voted; only a hundred and five votes in all. Had the popular vote instead of the vote of the electoral colleges carried it, and had the Whigs made common cause with the Abolition party, the result would have been precisely reversed. For the aggregate popular vote for Polk was only one million three hundred and thirty-five thousand eight hundred and thirty-four; and that for Clay was twelve hundred and ninety-seven thousand and thirty-three, which, with sixty-four thousand six hundred and fifty-three votes given to Birney, the Abolition candidate, make up one million three hundred and sixty-one thousand six hundred and eighty-six; *a majority of twenty-five thousand eight hundred and fifty-two!*

The importance of this mode of regarding the subject will appear from the



following statements ; which we do not make as proving positively that all the guilt of such frauds lay upon one party in this contest alone, nor yet that without these frauds Henry Clay would have been President of the United States ; but to show the crying necessity for some amendment of the Constitution, in the Article prescribing the mode of electing the President and Vice-president ; and that purity of election is not the growth of political systems, but must be secured, if at all, by purifying and elevating the entire morality of the people. We select examples only.

“Several hundreds of non-residents of the parish [of Plaquemine, Louisiana] were freighted in steam-boats from New Orleans, carried down to the precincts of Plaquemine, and *induced* to walk the rounds of voting two or three times each, some under a different name for each time, some under the same name, being furnished with tickets of the right kind, which were opened by the inspectors, in violation of law, before being deposited, to be sure they were right ! \* \* It was proved that the parish was entitled to less than five hundred votes. The number deposited was *one thousand and forty-four* ! And only thirty-seven for the Whig electors.”

At Baltimore, “a poor widow” “received seventeen dollars for the use of her deceased husband’s naturalization papers, one dollar for each man ; which accounted for seventeen fraudulent votes.”

“Hundreds of young men go the rounds of the city [of New York] the whole of an election day, frequently changing dress, and offering their votes, which are often received without being challenged, and when challenged they pass on to another, making open boast of it, and saying, ‘He is a fool that will not vote as many times as he can.’”

“But a new mode of fraud is alleged and believed to have been practised on a large scale in the city of New York, in 1844 :—that of employing men for at least six months before the election to obtain residences in every ward and district of the city, [there were then seventy-nine districts,] at the cheap boarding-houses, that could be sworn to, if necessary, they being known as boarders at all these places, though not always there. Being entirely devoted to the task and paid for it, they could visit each place frequently, and be recognised as residents. In this single mode, thousands of fraudulent votes are believed to have been given in the city of New York at the Presidential election of 1844. The funds necessary were raised by betting, and advanced. Considering all the various modes by which fraudulent votes were obtained, five thousand for the city of New York, and fifteen thousand for the State, would probably be an under-estimate !”

“The lawful vote for Forsyth, Lumpkin, Habersham, and Franklin counties, [Georgia, at the election of 1844,] would be three thousand two hundred and two ; but they actually returned four thousand and fourteen for Mr. Polk, and only eighteen hundred and twenty-one for Mr. Clay,—in all five thousand eight hundred and thirty-five ! The excess over the lawful votes in these four counties, as will be seen, was two thousand six hundred and thirty-three !”

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How the money for all this corruption was found is thus shown. "The experience of 1844 proves that betting on elections must inevitably be ruinous to the party that is not morally capable of practising fraud. [A political party "not morally capable of practising fraud," and yet capable of "betting on elections," must be a moral curiosity! The writer, a Whig of the deepest dye, ought to have known that "morality" (not that of the "party" but of the *partisans*,) is given up with the first bet, and that the moral incapability he speaks of is only immoral incapability of being *fraudulent enough* to steal a present advantage!] It was betting that furnished the capital that gained the victory, and the defeated party paid all the bills of cost for their own overthrow. If the individuals who bet [betted, we prefer on various grounds] and lost could have suffered alone, all the upright part of mankind would say it was good enough for them. [Truly, it was so.] Confident of victory, they staked their money to an immense aggregate, which was immediately employed to secure votes against them and their party. Their confidence, in the first place, was doubtless well founded; but the use they made of it destroyed its own basis, and it tumbled to ruin. [A party numbering so many "pigeons," as this writer seems to assert of his own, could scarcely have a "basis" for hoping to control the destinies of a vast country like the United States! The sheer foolishness claimed by him for his own side is almost sublime; and deserves to be especially marked as a new political phenomenon!] Every thousand dollars they staked was capable of purchasing a thousand votes against them. But it was not all disbursed in that way. A small fraction of it would answer all the purpose. [Worse and worse!] The spoils were divided between those who bought and those who were sold, [in plain English, however, it was the Whig losers who were sold!] the former taking good care of themselves!"

No doubt! But after this honest disclosure who can wonder that the latest Presidential elections in the United States have resulted in elevating such men, that the best lovers of their country have been filled with shame and sorrow; and, all over the world, those who have turned their eyes hopefully to the West, to see the great problem of popular self-government solved, have had no resource but to avert their gaze, and to *wait* in patience for some other and worthier effort to be made elsewhere? For it is not the existence,—it is the *sufferance* of enormities like these, that constitutes the real offence against morality, both with the parties and with the nation. And thus it was that Henry Clay was "disappointed;" and Polk and Dallas were made Executive chief officers, *in esse*, and *in posse*, of the United States.

The concluding session of the Administration of the twenty-eighth Congress opened on the 2nd of December, 1844, and on the next day the President's Message was received. The commencement of formal negotiations with Great Britain, "relative to their respective rights in and over the Oregon Territory," was announced; as was the existence of various minor questions "arising out of the construction of existing treaties," which (it was added) would "continue to be urged upon her attention." Into the question of the

Annexation of Texas Tyler entered fully, and with evident relish; he detailed the whole story of that interesting republic; and summed up the then present position of the affair thus:—

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“A controlling majority of the people, and a large majority of the States, have declared in favour of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the States, that Texas shall be annexed to the Union promptly and immediately.” And the arguments in favour of attention to this declaration of the people’s will were thus set forth. Texas “still desires to throw herself under the protection of our laws, and to partake of the blessings of our Federative system; while every American interest would seem to require it. The extension of our coastwise and foreign trade, to an amount almost incalculable;—the enlargement of the market for our manufactures;—a constantly growing market for our agricultural productions [including slaves, which was well known to be the ruling motive with the South, although it was not specified here];—safety to our frontiers, and additional strength and stability to the Union;—these are the results which would rapidly develop themselves upon the consummation of the measure of annexation.”

The possibility of objections on the part of any other government is disposed of thus. “We should interfere, in no respect, with the right of any other nation. There cannot be gathered from the act any design, on our part, to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory, large and extensive as many of them are, as the leading powers of Europe have made, from time to time, in every part of the world. We seek no conquest made by war. [The next administration was left to take this step.] No intrigue will have been resorted to, or acts of diplomacy essayed, to accomplish the annexation of Texas. [Most true. The process was simple, and patent to all. This vast tract, belonging to a weak neighbour, was colonized in strength by citizens of the United States, who seized the first opportunity of acting as “the people of Texas” in revolting from Mexico, and seeking annexation to their former Federal government. In this sense it was “*re-annexation*,” as Benton and those who were most in favour of the step entitled it, unquestionably; but in no other.] Free and independent herself, [Great Britain had helped America to this inexpugnable “base of operations.”] she asks to be received into our Union. It is a question for our own decision, whether she shall be received or not.”

The financial statement exhibited a wonderful change in the state of affairs. “The paralysis which had fallen on trade and commerce, and which subjected the government to the necessity of resorting to loans, and the issue of Treasury notes to a large amount, had passed away;” so that though seven million dollars had been paid by way of interest, and five millions in redemption of the principal of the public debt; and after setting apart two millions to meet the outstanding Treasury notes,—to say nothing of the ordinary expenses of



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The most distressing consequence of this miraculous deliverance from fear of the bankruptcy of the public Treasury, was the infliction of a tedious diatribe on currency, trade, and finances; wherein credit was taken obliquely in behalf of the measures of the government, (most of which, however, were the result of the impracticability of the Opposition in Congress,) for what was in fact the result of the energy of the wealth-producing capabilities of the country, which had been only cramped, and hindered, and, indeed, all but suppressed, by those very measures.

The management of the surplus, and the need of avoiding that evil, the Post-office, the Navy, the Tariff, and the improvement of harbours of refuge and of the navigation of the rivers of the West, were all slightly touched upon; and with a most brief sentence of self-congratulation, especially on account of his reiterated exercise of the veto, President Tyler's last Message ended.

During this short session no subject of equal interest with the Annexation of Texas was handled by Congress. After considerable discussion the plan suggested by the President was adopted; and the House of Representatives, on the 25th of January, 1845, by a majority of a hundred and twenty against ninety-eight, passed a series of Resolutions, to the effect that Congress consented to the erection of the territory "included within and rightfully belonging to the Republic of Texas" into a new State; and to the construction of a republican form of government by a convention, according to the usual plan, as we have seen, for the purpose of being admitted into the Union. The usual cessions of public property to the general government were made; and it was provided that other States might be formed out of the Territory, as was customary with areas of considerable extent when first admitted into the Confederation.

In the Senate,—for the Resolutions were intended to be the joint production of the two Houses,—some delay was occasioned by the proposal to add to them the provisions of Benton's bill of the preceding session; by which two Representatives in Congress, until the next apportionment, were allotted to it, and a hundred thousand dollars were appropriated to defray the expense of negotiating the terms of cession, which should be either by treaty, or by articles to be submitted for the approbation of both Houses, as the President might direct. A poor majority of twenty-eight in opposition to twenty-five carried the Resolutions thus amended, on the 27th of February; and on the 1st of March they received the signature of the President. It does not appear that any effectual objection was offered by any of the purist or literal school of interpreters of the Constitution to this "appropriation" originating in the Senate; which deserves to be noted.

No definite boundary to the west of Texas was specified in these Resolutions; the United States did not undertake to liquidate its debt; and the public lands were left in the possession of the State. The final and complete

annexation was left for subsequent arrangement; but from the date of Tyler's signature to these Resolutions, Texas was one of the States of the Union. And immediately, the Mexican ambassador at Washington entered a formal protest against the step, demanded his passports, and without delay took his departure, menacing the United States with war.

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It remains to be mentioned here, that, as a preliminary measure to this annexation, a minister plenipotentiary had been despatched by the government of the United States to Mexico, for the purpose of entering into negotiations for the settlement of all existing difficulties, and to provide for the determination of the western boundary of Texas; the envoy was also instructed to protest against the prosecution of the war against Texas, and to use every effort to reconcile the government of Mexico to a recognition of the independence of that republic, with a view to its annexation to the United States. But the Mexican government proved to be totally impracticable; the prosecution of the scheme of annexation was regarded as a ground for refusing to settle former difficulties, and for withholding the arrears of indemnities for violations of existing treaties. And in the end the ambassador had no resource left but to demand his passports and return.

Without the knowledge of the American government, however, and indeed upon his own responsibility mainly, the British chargé-d'affaires in Texas, Captain Elliott, made an extraordinary attempt to bring Mexico to recognise the independence of Texas, and to frustrate the designs of the United States' government. And having used all his diplomatic ability and influence in Texas, and pictured to the incredulous settlers there, who constituted the Republic, the glory of maintaining their separate national existence, under the sheltering wings of France and England, and blessed by most advantageous commercial treaties with them,—he set off to Mexico, furnished with a draft of "Articles preliminary to a Treaty of Peace between Mexico and Texas," in the hand of the Texian Secretary of State;—for, more astute than the Briton, Asahel Smith and his colleagues in office thought that they might by his means gain from Mexico some admission, which would encumber its movements and put it in the wrong when the subsequent part of the drama should be unfolded. They did not hesitate, therefore, in this draft to append to the condition that "Mexico consented to acknowledge the independence of Texas," this, which was *meant* to be illusory, because they knew the people of Texas would not ratify it,— "Texas engages that she will stipulate in the Treaty not to annex herself, or become subject, to any country whatever." And this was done at the very time when the Texian government must have known that the annexation was all but complete.

"While these negotiations were urged in Texas, the government of Mexico denounced war against the United States, and the invasion of Texas as the penalty for any attempt to consummate the plan of annexation. To give effect to the idle boast, troops were levied throughout the Republic of Mexico, and every hostile preparation was made, with the avowed object of

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commencing the war so soon as any consummation of the measure should be attempted. At the same time the rulers of Mexico employed every effort, and sought every occasion, to inflame the prejudices, and to rouse the natural hatred, of their people against the people and government of the United States, who were designated, opprobriously, [but, unhappily for them, in strict accordance with facts,] as the 'Northern invaders,' ready at all times to invade and dismember the Mexican Republic;"—as the event proved, which our next Book will, in due time, rehearse.

Of the other measures of Congress, during this final session, none are of such moment as to require notice here, except a bill forbidding the President to build revenue-cutters at his own discretion, which Tyler be-vetoed, and Congress made law (the first time such a thing had happened) by voting it again by a majority of more than two-thirds of both Houses,—in the Representatives, by a hundred and twenty-six to thirty-one;—and an Appropriation bill for certain internal improvements, which, being sent to the President too near the close of the session to give him the constitutional term for consideration, was retained by him, or, as the Whigs used to say in Jackson's time, disposed of by a "pocket-veto."

And thus, becomingly, with this Appropriation bill in its "pocket," passed away the Tyler Administration, "unwept, unhonoured, and unsung;" and the reins of government were handed to James K. Polk, who was expected to recover the nation from the reproach which the hybrid and fickle policy of a President neither Whig nor Democrat had brought upon it. Whilst Henry Clay, according to his well-meaning but rather injudicious panegyrist, was consoled under his "disappointment," by an "unexampled" "flood of regrets," "poured in upon him" in the shape of turgid and hysterical letters; and by "a counterpane of fine needle-work" "composed of almost numberless pieces," (in plain words, a "patchwork" counterpane,) with an inscription, partly in verse, "inwrought by the needle," in the centre of it; and by addresses and testimonials, which pursued him to his retreat in the West; where he pondered in sadness the consequences of the shocks which had tried the fabric of the Constitution, since the time when by his coalition with John Quincy Adams he had hoped to illustrate himself and his country, by an ideally perfect administration of the affairs of the Union.



## CHAPTER II.

STATES' AFFAIRS DURING THIS PERIOD.—FLORIDA STATE.—IOWA.—STATE CONSTITUTIONS AMENDED.  
—LOCAL AFFAIRS.—“HUNTERS' LODGES.”—REPUDIATION.—TRADE AND COMMERCE.—RELATIONS  
WITH THE INDIANS.—SLAVERY.

ALTHOUGH the States, individually, had now acquired, in the balance of power, greater weight than the Union, their affairs were not the less local and municipal in character and magnitude; and cannot be related at such extent as this enhancement of their influence would seem to require. We shall therefore present, as before, only illustrations and examples of the progress of these constituent sovereignties, during the Administration of John Tyler.

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Following our usual arrangement, we commence with the erection of new States. In our last Book we told how Florida, anticipating its entry into the Confederation, in the latter part of the year 1838 assembled a convention and devised a constitution. The tale of its longings for recognition as an independent State, and its fierce glances at the North, whence the impediment was presumed to originate; of its durance in the “vacant interlunar cave” of committees on affairs of every description, with the occasional infliction of resolutions and reports,—would be of little worth or interest. We will at once relieve our readers from all further anxiety by saying, that one of the last acts of executive authority, performed on the very day when it departed from him, by this President, was the appending of his signature to a bill providing for the admission of Florida into the confederacy of the United States; which accordingly took place under the Administration we have next to treat of, that of James Knox Polk.

At the same time with Florida, Iowa (a free State, admitted as a sort of equipoise to the increased influence of the Slaveholding section in Congress) was empowered by legislative enactment to enter the Union. It had already constructed for itself a constitution; but the ratification of it, by the acceptance of its citizens, was deferred till Congress should have given its consent to that assumption of sovereignty. In its main features this frame of polity did not differ from those of the adjoining States. White men alone were made capable of exercising the rights of citizenship, and residence of a year in the State and three weeks in a county were required for the validity of a vote. The legislature was to meet biennially; the senators being chosen for four years and the representatives for two, the former to be not less than twenty-five, nor the latter than twenty-one, years of age; and for both branches residence in the States of a year, and in the district of thirty days, were the only other qualifica-

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tions required. The governor was to be elected for four years, and must be thirty years old, and a citizen of the Union and a resident in the State, for two years before his election. Instead of a lieutenant-governor to act in case the governor should be by any means disabled, it was provided that the office should devolve on the secretary of state, or after him the president of the senate, or the speaker of the other house. And the secretary of state, with an auditor and a treasurer, were chosen by the people, each for two years. The judges of the supreme court were to be appointed by the general assembly for six years; those of the district courts to be chosen by the electors of the several districts for five years. The creation of corporations for banking purposes was especially prohibited.

In February, 1845, Congress passed a law, admitting Iowa with this constitution into the Union, but at the same time altering the boundary adopted by the constituent convention, and diminishing its territory. The people, we may add here, though it properly belongs to the next Book, refused to be formed into a State upon these conditions, and rejected the acknowledgment of their sovereignty thus shackled.

Of Texas, save that as a Slave region it ought not to have been at this time admitted into the Union, we have nothing now to say in addition to what we have already related: its constitution, and actual annexation to the United States, belong to a later date than we have yet reached.

The principal instances of amended constitutions in these four years are those of Rhode Island and New Jersey. In the latter a convention met at Trenton for the greater part of May and June, 1844, and drafted a new frame of polity, which, being ratified on August 13th, went into operation on September 2nd of the same year. By it the right of suffrage was given to every white male citizen of the United States who should have resided in the State for a year, and five months in the county in which he claimed to vote; but, beside persons of colour, paupers, idiots, lunatics, and criminals were disfranchised. The legislature was made to consist of a senate and a general assembly, elected yearly; in the case of the senate, however, for three years, one-third only going out of office annually: the qualifications being, thirty years of age, with a residence of five years in the State and one in the county, for the senate, and twenty-one years of age, with a residence of two years in the State and one year in the county, for the other house. The governor must be thirty years old, a citizen of the Union for twenty years, and a resident in the State for seven years; and was to be elected for three years by a plurality of the popular vote, or by a majority of the legislature. The president of the senate, or, failing him, the speaker of the house of assembly, were to act as lieutenant in case of the governor's death or disability. During the last week of his term of office he cannot appoint to any post. The judiciary is very complicated; it was vested in a court of errors and appeals, a court for the trial of impeachments, a court of chancery, a prerogative court, a supreme court, circuit courts, and such inferior courts as the legislature might establish. The principle of limited tenure of office was established,

the terms varying from seven to five years; and the appointments to all the inferior offices were given the governor or the legislature. Each law is ordered to embrace but one object, to be expressed in the title. Charters for banks and money corporations must have the assent of three-fifths of the members of each house, and be limited to twenty years. No lottery is to be allowed, nor lottery tickets sold. No divorce is to be granted. Amendments to the constitution must be passed by the two houses of legislature in succession, and then referred to the people, when, if accepted, they shall go into effect; but are not to be proposed oftener than once in five years!

In Rhode Island hitherto there had been no written constitution, but the charter granted by Charles the Second in 1663, and the usages under it, formed the basis of government. In order to vote according to a fundamental law of the State, a person must possess a freehold estate of the value of a hundred and thirty-four dollars, or be the son of a freeholder. Two efforts had been made to get rid of this undemocratic anomaly; in 1824 a convention, called by the legislature, framed a constitution, but the people rejected it; ten years later another convention was called, but broke up without completing its task. Another was made in 1841, the legislature passing an act in January calling a convention in the following November, the delegates to be appointed by the legal voters.

But in the month before the assembling of this convention, one delegated by the advocates of an extension of the right of suffrage, without regard to the legal right of voting, met at Providence, and framed a constitution which was commonly called "the People's Constitution;" and in December was submitted to those who were authorized to vote by it, and declared to be by them accepted and ratified. The other convention met at the appointed time; and in February, 1842, they framed a constitution, which was submitted to the people in the month after, and rejected by a small majority. This constitution extended the right of suffrage to all native citizens, without regard to property, who had resided two years in the State; and all who would thus be entitled to votes were authorized to vote upon its adoption.

In April, 1842, the people, acting upon the constitution informally constructed and ratified, as we told, elected Thomas W. Dorr governor; together with senators and representatives to form a legislature; but the supporters of the regular government took no part in the proceedings. On the 18th of the next month, these illegally appointed officers attempted, but without success, to get possession of the State arsenal; and a body of military was brought up by the lawful governor, William King, to arrest Dorr, who was in a house guarded by a number of men armed with muskets and cannon. After some time the insurgents were persuaded to disperse, and the pretended legislators renounced their offices; Dorr escaped the search of the real governor's men, and renewed his effort to get possession of the government on the 28th of June; when, with about seven hundred adherents, he intrenched himself on a hill in Chepachet, with five pieces of artillery. Martial law was immediately proclaimed throughout the State, and about three thou-

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sand militia ordered out to support the existing order of things. In consequence of these vigorous measures, almost all the insurgents deserted their camp, and the State troops took possession of the hill. It was an occasion of much gratulation that throughout these disturbances only one man was killed.

That same month the legislature summoned another convention, for the following September,—the delegates to be chosen upon a basis of population by all native citizens who had resided in the State three years. Which convention met, and performed its task so well, that on the 21st, 22nd, and 23rd of November the people ratified it; and the first written constitution of Rhode Island was put into operation in the beginning of May, in the year 1843.

By this instrument the right of voting was given to every male *native* citizen of the United States, who had resided in the State for two years, and for six months in the place where he proposed to vote, having been registered for at least seven days before the election, and paid a tax of one dollar within a year, or done a day's duty in a military company; and also to every male citizen (including naturalized foreigners) of the United States who, in addition to the preceding qualifications, should possess real estate in the place worth a hundred and thirty-four dollars clear, or renting for seven dollars a year.

The legislature consists of a general assembly, or senate and house of representatives; and holds two sessions annually, at different places in the State. The most peculiar feature in it is, that the governor or lieutenant-governor presides in the senate, with a casting vote, and also in grand committee, or the convention of both houses. The elections are annual, the governor and lieutenant-governor, with the secretary of state, the general treasurer, and the attorney-general, being also elected yearly. One supreme court, with judges appointed by the legislature in grand committee, and holding office until removed by a resolution of the grand committee, is invested with the judicial authority, in the constitution; the inferior courts being left to the discretion of the general assembly. Amongst the miscellaneous provisions is this,—bills for the creation of any corporation for other than religious, literary, and similar purposes, shall be continued until another election of members of the general assembly has taken place, and public notice of the pendency of such shall be given. Similarly, amendments of the constitution, having been passed by a majority of all the members of both houses, and published to the electors, are left till after an election has created a new legislature, and, if approved by a majority therein, are submitted to the people; when, if assented to by three-fifths of the electors of the State voting thereon, they become part of the constitution.

We find that efforts were made to bring the most prominent of the actors in these conflicts to justice; and, in March, 1844, it is on record, that the general assembly of the State formally protested against the conduct of Congress, which, by inquiring *how* the new government was established, had interfered in the domestic affairs of the State, and so violated the Constitution.

These disturbances in Rhode Island may be pointed out as amongst the

most important local affairs of this period ; especially as they show the growth of the democratic principle there. Of greater moment was the M'Leod affair, which, inasmuch as it trenched upon national interests, has been spoken of in the foregoing chapter. We there intimated, too, that the progress of the "Native American" party had been signalized by some serious violations of the public peace ; these we speak of here.

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It was in Philadelphia that the worst outbreaks occurred. There, in the year 1844, during the 6th, 7th, and 8th of May, fearful riots took place. This violence was directed against the Irish residents in that city, who, both as Papists and as aliens, though naturalized, had excited the wrath of those who had parodied O'Connell's cry of Ireland for the Irish. In the course of the contest, thirty dwelling-houses, a Popish seminary, and three churches were burned, fourteen persons were killed, and about forty wounded. At length the military force of the State succeeded in suppressing the disturbance. In July, however, these disgraceful scenes were renewed ; and a street battle was fought between the rioters and the military, fire-arms and even artillery being used on both sides, and more than forty persons killed and wounded. The governor was, in the end, compelled to call out an overwhelming force ; which show of determination daunted the leaders on both sides, and restored order.

At Cincinnati, in the year 1842, a riot of a similar kind occurred ; but the *aliens* in this instance were German immigrants ; and we remark it solely because, since this time, the Germans have divided with the Irish the hostility of the Native Americans.

Philadelphia was disgraced by other riots also at this time, one of them doubly shameful for a northern city. The coloured people (*freemen* all, be it remembered ; and, according to the theory of the State governments, *citizens*, though not voters) were celebrating on August the 1st, 1842, the anniversary of the emancipation of the negroes in the British West Indies, when certain whites made an attack upon them, and a disturbance ensued, the poor coloured "Sons of Liberty" of course having the worst of it, numbers of their houses being burnt, and many of them receiving severe wounds. After a time the military and the police succeeded in suppressing the riot, but not before the aggressors in it had done what they would against the negro-emancipators.

Cincinnati, in the year preceding, (just as with the "native American" riots,) had been for four and twenty hours at the mercy of a furious mob, which directed its violence against the coloured people and the known advocates of the abolition of slavery. Several lives were taken, and above twenty persons dangerously wounded in this riot before it was suppressed.

Of the anti-rent troubles in New York, in the manors of Livingston and Rensselaerwyck, which (in fact) commenced two years before this time, and which were only prevented from becoming armed insurrections by the energetic action of the governor,—we need not speak ; nor of the disturbance which was threatened at Lockport, after M'Leod had been bailed ; to

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which, indeed, reference has already been made. A case of a far worse complexion requires to be noticed here, the evil of which has been made most manifest by subsequent events.

Various hints have been given of the wide latitude afforded, by the almost universal absence of even the slightest restrictions on religious liberty in the United States, to the indulgence of every degree of whimsicality, both in speculation and practice, regarding things pertaining to religion. The "Native American" party, it is true, from the very beginning of its organization, was aimed against the exercise of Romanism; but it was mainly because Romanism was the faith of the Irish, who (out of their vindictive hatred of Great Britain) were, on becoming citizens of the United States, more American than the Americans themselves. The rigid ecclesiastical organization of the earlier period of the New England States, like the frost which pulverizes the soil and prepares the way for the spring, has but secured for them now the preëminence in the number and diversity of recent manifestations of religiosity.

Foremost amongst these recent manifestations must be placed that one, to which a slight reference has been made in an earlier page, and which now began to assume the form which has raised it to world-wide importance,—*Mormonism*. We can pretend here neither to trace the history, nor to unfold the *rationale*, of this mysterious religious and social phenomenon. How it sprang, with rapidity quite unparalleled, from the alleged discovery and miraculous disappearance of the golden plates by Joseph Smith, to be a "cause," with agencies at work in every part of the United States, in Great Britain, in her colonies, and in other European countries; and after an attempt to establish a municipal community of "Latter-day Saints" in Missouri, frustrated by the most outrageous exercise of "Lynch-law," to the foundation of the city of Nauvoo, in Illinois;—all this must be read in the history of the new sect. And the curious and observant may perhaps discern, in its unhesitating and dogmatic self-assertion, in the gross anthropomorphism of its doctrines, in the wide scope it offers to sensual indulgence, and in the fact of its founder's martyrdom,—some parts of the secret of its success;—although the demonstrated plagiarism and forgery of its "revelation," as well as its meagre baldness; the demonstrated falsehood of the defence originally set up of the "spiritual wife" custom; and the practical and energetic industry of the sect, complicate the problem prodigiously.

One fact will tell the progress made by this prophet of the nineteenth century in 1844; and, at the same time, his astuteness, in turning to account every opportunity of increasing the appearance of his influence and elevation. He was then put in nomination for the Presidency of the Union, with Sidney Rigdon as candidate for the Vice-presidency; and he published a statement which he entitled,—"*General Smith's Views of the Government and Policy of the United States.*" In the account we have given of the election of 1844 we have not mentioned this; because, from the national point of view, this nomination at Nauvoo does not so much as come into sight. Smith's politi-



cal manifesto was more than ordinarily colloquial and bombastic, for such a document ; and the last thing that would occur to any reader who should be unacquainted with the peculiarity of its authorship would be, that the writer of it called himself, and was regarded by vast numbers as being, a *prophet* ! With it we are not concerned here.

Of the brutal character of the attacks to which both Smith and his followers were subjected there can be no doubt. Nor can any of the grounds alleged in vindication or extenuation of these outrages alter the character of them. Whatever, and however great, the offences against social order and decorum on the part of the Mormons (or Mormonites) in a country like the United States, it surely was possible to rely upon a legal infliction of condign punishment. But to treat their *opinions* as worthy of chastisement must be either a solecism, or an act worthy of a despotism alone.

There are occasions, as all know, when by "Lynch-law" only can a criminal be punished ; but those occasions will be the fewer the further a community is advanced in civilization. And there are, in addition to the uncertain operation of this mode of punishment, the great probability of the innocent suffering with the guilty, the impossibility of adjusting the amount of the infliction to the measure of guilt, and the certainty of the commission of crimes, perhaps equalling, perhaps even surpassing, the original crime, in the very act of punishing it, to make a community vigilant and severe in discountenancing the resort to this expression of social displeasure and resentment against guilt. Like duelling and insurrection, "Lynch-law" is an infallible sign of a low state of civilization, and never could have prevailed in the United States to the fearful extent it has reached if the existence of an enthralled population in so large a portion of the country had not promoted, and even necessitated, the almost universal custom of wearing arms.

We are led to these reflections by the atrocious murder which was now committed by the people of Illinois, and which invested the founder of Mormonism with all the glory, and his "revelation" with all the *prestige*, of martyrdom. The citizens of Nauvoo may have been bad neighbours ; but no possible amount of petty plunderings (even if suspicion were not thrown upon the facts by the circumstances and time of their disclosure) could explain the intensity of the hostility entertained against them by those who lived around them. Hatred of the creed, and of the practices permitted under it, alone could give rise to such ferocity. But the occasion for the display of this spirit was furnished by the Prophet himself.

There were two members of the Mormonite community, one of whom had belonged to that quintessence of Mormonism, the "Danite" band, who either were, or imagined themselves to be, injured by Smith by the way in which he had enforced his "spiritual wife" doctrine ; and undertook in Nauvoo itself to enlighten the world about the new religion, by means of an *Expositor* newspaper. Such an audacious attack upon his faith could hardly expect to succeed ; Smith, as the mayor of the city, with the rest of the corporation, ordered the marshal to proceed against the *Expositor* as a nuisance,

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and to "abate" it forthwith. This was done in the most summary manner by a mob, who tore down the house, destroyed the presses, burnt the papers, and forced the two crusaders to fly for their lives.

At Carthage they procured warrants from the authorities against the mayor of Nauvoo and others for this outrage; but the Saints did not admit the validity of the State laws in Nauvoo, and would not suffer the warrants to be executed. The governor, therefore, with a zeal which in many a cause no governor would have ventured to show, called out a military force, whilst the Mormonites fortified their city, and prepared to resist him by arms. The governor's forces soon made him understand that they did not mean the mere execution of his warrants, but the destruction of Nauvoo; nevertheless he contrived to persuade the Prophet and his brother to surrender themselves to be tried for the riot, and promised to protect them against his own mob. They were conveyed to the prison at Carthage; and whilst there, in spite of the promises of the governor, for the guard he had appointed betrayed their trust, on the 27th of June, 1844, an armed mob entered the gaol, shot both the brothers in their cell, killing the younger at once, whilst Joseph, who fell from the window, was despatched by a volley discharged at him in the yard below. The perpetrators of the murder were never discovered; but they were carefully represented to be a gang of ruffians from Missouri, although subsequent events made this more than questionable. After this assassination, the Mormonites lived in continual alarms, but no actual violence was done to them till the year 1846, which date we have not yet arrived at in our general narrative.

Whilst speaking of this painful characteristic of these times we must mention one fact, which will show, just as the cases which occurred in Congress at this very time did, the prevalence of certain habits, usually regarded as peculiar to the uncultivated and lawless classes, amongst those who cannot be considered as of these. "In the Pennsylvania legislature at Harrisburgh, Mr. Bratton, the publisher of a newspaper which contained an article reflecting severely on the conduct of Mr. M'Gowan, member from Moyamensing, was attacked by the latter on the floor of the house, in presence of all the members, and stabbed in the shoulder with a dirk-knife. \* \* To escape being expelled the house, M'Gowan resigned." But the wonder still returns, that any civilized community should not at once cast out any one who could be guilty of such savagery, that amongst kindred savages he might cultivate remorse, and fit himself for making amends and being readmitted, a wiser man, to the advantages he had forfeited. We do not learn that in any of these instances the testimony against the perpetrators was very emphatic.

From these incidents we are carried, by natural sequence, to the Texian adventurers, whose filibustering propensities were too often justified by the course of the constituted authorities;—as, for example, in the case of the capture of Monterey by Commodore Jones, in these very years; when Daniel Webster informed the Mexican minister, that as the Commodore "*supposed*"

the States were at war with Mexico, "whatever of imprudence or impropriety he might be chargeable with, there was nothing to show that he [the Commodore!] intended any affront to the honour of the Mexican government, or to violate the relations of peace;" as if Mexico had to deal with this belligerent Commodore, and not with the government whose fleet he commanded; and as if the United States' government would not have *insisted* upon something stronger than the declaration that the deed was "unauthorized," if the commander of a foreign fleet had committed the like outrage upon any American town;—and waived the mention of any other reparation than such as might be due to Mexican citizens on account of harm done to their persons or property.

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It is of the Filibusters of "the Mier Expedition" that we speak particularly; because we possess one of the most remarkable literary productions ever penned respecting it;—a well-looking octavo volume, with engravings,—which, though not of the first-rate quality as to art, are invaluable as illustrations,—published by a firm of good repute, at New York. In the Old World the deeds of daring attempted and achieved by bold borderers were, indeed, celebrated in song, as many a ballad of "Chevy Chase," in every European tongue, remains to testify:—but it is a peculiarity of these mediæval doings in the United States, that they are brought, by the doers themselves, into the most grotesque *mésalliance* with modern things; as in this example.

We have in this fact also one feature of the characters we desire to portray. Another we must let the historian and commander of this Texian "*Anabasis*" tell in his own words. In a note appended to the relation of some exploit of one of his comrades, by name Isaac Allen, or "Ike, for short," (as this Western Xenophon says,) he records his death, and adds, by way of *éloge*, the following. "Quite a volume might be written of the most stirring incidents about this fearless man. He had some good qualities in a high degree. His love of country was no less remarkable than his love of friends. [And, it seems, it was no less remarkably manifested. He turned filibuster out of Texian patriotism; this is what his friendship led him to do.] On one occasion, when he had a friend killed in Bastrop county, Texas, he determined to avenge his death; and while the person charged with the killing was upon trial in the open court, Ike went in, and fired a pistol-shot at his head, which, though not proving fatal, wounded more than one." Truly, he had *some qualities* (which, however, remembering that he lived near the middle of the nineteenth century, and in America, we hesitate positively to entitle "good") in a highly remarkable degree. But is not the *naïve* publication of such a eulogy at New York almost as remarkable?

The adventurers in this expedition were, as related before, captured by General Ampudia, at Mier:—not relishing the Mexican treatment of "prisoners of war," (as they claimed to be,) at Salado they overpowered their guards, and got away; but after enduring terrible privations in the mountains, were forced to surrender, and were decimated,—those who drew the fatal lots uttering expressions of the kind that in another cause could never have



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been forgotten ; the remnant being marched off to the castle of Perote, just under the snow-capped volcano of Orizaba, where they met with some of the survivors of the Santa Fé expedition. How they kept the blacksmith in constant work, by breaking their chains, can be imagined, when we tell that having procured from some "friend" a map of the country, and made copies of it, with untiring perseverance for three months, and under continual surveillance, they wormed a narrow way quite through the eight-foot-thick stone wall, contrived to lay by a store of provisions and to secure some rudest weapons of defence, overcame the difficulties occasioned by their being distributed through three cells ; and, one night in July, to the number of sixteen, crept through the breach they had made, (being compelled to enlarge it, too, before they could all pass,) crossed the moat and stockades of the castle, evaded the vigilance of the sentries, and escaped ! Of this sixteen, some perished, and some were retaken, and three (one being the historian himself) got safe to Texas !

Not many men can surpass themselves ; but the Texian prisoners left at Perote, in the next year outdid this feat of skill and daring. They dug, with sharp sticks and small knives, a shaft straight down below one of their cells, drawing up the earth with a hair rope and a little provision basket, and distributing it under a flooring of boards laid upon the original stone pavement ;—in the course of forty nights, in spite of the suspicious watchfulness of the guards, and in spite of the choke damp, which, for part of the time, made it impossible to remain in their pit more than a few minutes together, they reached the depth of some forty feet, and tunnelled a horizontal passage *under* the wall into the moat ;—and another sixteen in one night left their prison ; nine of whom reached home, only seven being recaptured ; although Perote was nearly a thousand miles from their own frontier !

Such were the Filibusters of Texas ; men who would have been heroes, had they toiled, and suffered, and triumphed for the right ! And being such, we do not marvel that the later history of Texas, and the contest between Mexico and the United States, which followed these events, should have been of the nature, and issued in the results, we are all familiar with. Out of materials like this great nations are made, if only the captains and lawgivers be found to impart form to them and assign them places in the earth.

One can but commiserate the lot of a Secretary of State in relation to affairs of this sort. Daniel Webster, with genius to be a true leader and commander of men, instead of making himself one, coveted offices and honours such as, under the Constitution, the voters of the United States could give ; he aimed at the highest post, but saw it filled by little men, whilst he was by them made Secretary of State and had to write diplomatic letters, now excusing a Commodore Jones, and now describing a mad filibustering expedition from Texas in such careful words, that it should seem a question if any one attached to it had any other end in view beyond a little stroke of Free-trade, on his own account. It was about certain "American citizens captured at Santa Fé" that Webster had to write ; and we note it as a lamentable thing, that he pertinaciously insists upon the men being "prisoners of war ;" which

he knew no government in the world would ever, or ought ever to consent to regard filibusters as being ;—and least of all his own, which would have condemned M'Leod for murder, (although the responsibility of the Fort Schlosser affair and the burning of the Caroline was assumed by the British government,) if an *alibi* had not been established. There can be little hope that men like these Texians will find their proper work in the world, whilst they who ought manfully to teach and guide, thus mischievously perplex and mislead them.

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Here we may mention, in passing, the continuance of the filibustering efforts against Canada,—not now by armed attack, but by the organization all along the northern frontier of secret societies, called “ Hunters’ Lodges,” which numbered amongst their members persons of such consideration as the governors of Maine and Michigan. Against these fraternities a proclamation was issued by the general government, on the 25th of September, 1841, in such terms as we can imagine, exhorting to peaceful obedience to the laws, and denouncing their illegal designs. Of these designs, in another Book, we may possibly hear again.

The United States’ Bank, now only a State institution, comes under notice for the last time in this place. In the month of February before the accession of Harrison to the Presidency, as we have already related, it suspended payment. In the following December, “the grand jury for the county of Philadelphia made a presentment, that the attorney-general should be directed to send up for the cognizance of the grand jury bills of indictment against Nicholas Biddle, Samuel Sandon, John Andrews, and others (to the jury unknown,) for entering into a conspiracy to defraud the stockholders of the Bank of the United States, of four hundred thousand dollars, in the year 1836; and endeavouring to conceal the same by a fraudulent and illegal entry in 1841.” In January, 1842, “an individual of the many sufferers by the Bank failure laid his complaint before the grand jury of Philadelphia, who presented Nicholas Biddle, with Cowperthwaite and Andrews, two of the Bank officers, as guilty of a conspiracy to cheat the stockholders. This presentment was in due form laid before the prosecuting officer, who prepared an indictment accordingly. \* \* \* That unlawful inquisition the court set aside, pronouncing an elaborate review of the circumstances, as well as the law in the question. By the former it appeared to the court, that the Bank directors were more censurable than Mr. Biddle and the other Bank officers; for all was done by authority of the directors, who allowed and indeed encouraged every one to borrow of the Bank, by way of employing its unwieldy capital.

Nicholas Biddle, thus made the scape-goat, on whom all the guilt of all the officers, real and pretended, of the Bank, were laid, died on the 24th of February, 1844. “He left the world,” says Ingersoll, one of the most candid opponents of the Bank, “with the great merit of dying poor, when he could have lived rich.” On the 17th of June next following, at midnight, Congress, in a tumultuous session, appropriated two hundred and twenty-five

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thousand dollars, to purchase of the assignees "the marble palace of the ruined Bank of the United States," for the purpose of turning it into the custom-house of Philadelphia. And the dying embers of the once prodigious business of the Bank were watched in "a few small rooms" in a building erected by a too speculative Insurance Company, which were hired for the purpose.

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How great a shock to American credit the fruits of Jackson's anti-Bank crusade, along with the manifestly unsound commercial principles on which its affairs had in general been conducted, has appeared from our narrative of public affairs in the last and in the present Book. We have also referred to the embarrassment occasioned to Tyler's Administration by the nonpayment of either the interest or principal of several of the States' debts. These debts had been incurred for various purposes, such as railroads, canals, banks, public buildings, and other internal improvements,—not one of which was in itself objectionable, and almost all would in time, and with proper management, be remunerative enough. European capitalists had liberally and confidently advanced no inconsiderable share of the whole amount, on the ground of these very facts; and the business habits of the people being regarded, it cannot be pronounced wrong either for the States to have pledged their credit, or for the capitalists to have relied upon it, as they did. The result of Jackson's operations was so greatly to shake this credit, that as William H. Seward, the governor of New York, in his Annual Message in 1842, remarked;—"The securities of other nations are not depreciated, while those of our sister-States, whether they owe less or more, are reduced, none less than our own, and some 30, 40, 50, 60, and 70, and even 80 *per cent.* The federal government, which has once paid absolutely a debt of a hundred and eighty-nine millions, and which now owes nothing, is unable, at the same rate of interest we offer, to obtain a loan for three years, of an amount equal to only half a year's revenues." And when the stock had experienced so great a decline in value, it could be only by extraordinary efforts that the States could maintain their solvency.

But there were in some instances the grossest mismanagement and fraud. The board of internal improvement in Michigan, in 1841, reported thus,—*"We have expended, or wasted, three-fourths of our five millions loan, and what have we to show for it? We have finished about forty—say fifty miles"* of one railroad, and some parts of two others, *"and where are the profits to remunerate the State for this heavy outlay?"* In Illinois, railroads were commenced at the same time in every section of the State, so that without having a single work so far completed as to produce revenue, there was a debt of more than thirteen millions incurred. The governor of Wisconsin stated, that *"it was impossible to give, from the records, any specific information of the amount of the public debt of that Territory."* Funds to the amount of fifty-six thousand dollars were disposed of in March, 1841; but, he added, *"the legislature repudiated all but one of those bonds sold by the agent, amounting to one thousand dollars."* *"About the 26th of March,*



1841, bonds bearing 10 *per cent.* interest, amounting to seven thousand two hundred dollars," were issued by the Territorial treasurer; "they do not appear to have been issued by any proper authority, but I believe they have been sold,—the Territory having derived little benefit from the sale."

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Pennsylvania was at the head of the States which were guilty of this bad faith. Illinois, Michigan, Maryland, Mississippi, Arkansas, Indiana, and Louisiana, in various degrees copied its example. But it followed, as an inevitable consequence, that the credit of all was doubted, and a sudden check was given both to the public works and to the private undertakings in the solvent and honourable States. Governor Seward, in the Message we have already quoted, thus speaks: "The error of the States has been aggravated by other circumstances. To retrieve loans, they plead a failure of consideration, or want of authority, on the part of their agents, or other excuse, against bonds bearing all the forms of guarantees of public faith, and for which the authorities received, and applied to public uses, sums deemed equivalent. It is known throughout the world, and to none better than to capitalists, that the people here exercise absolute control over legislation, and it is doubted whether they will have the virtue to maintain public credit under the inconvenience of taxation. When we ourselves admit such apprehensions, can we be surprised that they should be entertained in countries where it is a maxim that mankind must be governed by fraud or force? [Or, we may add, in that other country, strangely overlooked, where the government, as in America, represents the free choice of the vast majority of the people,—Great Britain?] It results from the intimacy of our federation, and from the uniformity of our institutions, and of the policy, character, principles, and interests of the people, that hesitation by one State brings distrust upon all.

"Another question, of broader scope and even more painful interest, follows closely upon that which relates to maintaining the public faith. Can governments continue to exist, that put justice at defiance, and trample upon sacred obligations? How shall they collect revenue, and enforce the payment of duties, taxes, and claims? How conduct affairs, exact obedience, preserve order, and execute municipal justice? And how can they protect themselves against injustice and aggression from abroad? Such is the ordeal through which American credit is passing: and it retains, and can retain, only the confidence of those who, notwithstanding all unfavourable indications, believe in an ultimate payment of the principal and interest of the debt of the States, in the virtue of the people, and in the permanence of republican institutions."

Let us place, in connexion with these wise and honourable observations, some fragments of a speech by Daniel Webster, uttered in the year after the delivery of this Message, at New York, and in the presence of Governor Seward. "Let us be Americans," said the orator of Faneuil Hall, after contrasting the wealth of Pennsylvania with its indebtedness, and that, again, with the prodigious debt of Great Britain, "but let us avoid, as we despise, the character of an acknowledged insolvent community. What importance

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is it what other nations say of us, or what they think of us, if they can nevertheless say, 'You don't pay your debts!' Now, gentlemen, I belong to Massachusetts, but if I belonged to a deeply indebted State, I'd work these ten fingers to their stumps, I'd hold plough, I'd drive plough, I'd do both, before it should be said of the State to which I belonged, that she did not pay her debts. That's the true principle. Let us act upon it. Let us *go it* to its full extent. If it costs us our comforts, let us sacrifice our comforts; if it costs us our farms, let us mortgage our farms. But don't let it be said by the proud capitalists of England, 'You don't pay your debts!' 'You *republican* governments don't pay your debts!' Let us say to them, 'We will pay them! We will pay them to the uttermost farthing!'" "Let us, gentlemen, be proud of our country; but let us preserve for that country the character of a just and debt-paying nation. Let it never be said amongst the nations of Europe, that the United States of America—the nation that had its birth in the glorious scenes of '76—the country of Washington—the example and great type of all modern republics—cannot or will not pay its debts!"

Pennsylvania, thus acted upon from without, contrived to pay the interest of its debt, in February, 1845. Others of the non-paying States made efforts to rid themselves of the burden of obligation and of obloquy they had assumed; but at the period we have now reached, a dispassionate observer stated, that, "Maryland and Mississippi appeared to him the most likely to defer a return to the honourable fulfilment of their fiscal obligations; although he believed that *necessity* and *self-interest* would eventually cause even those States to pay." "There is at present," he adds, "we regret to say, very little hope of payment held out by either."

"All the States in the Union," said a British statistician, "have pledged their property and their honour for the payment of their debts." And he adds,—"Great injustice has been done to the *whole people* of the United States, by extending to them the ignominy of a minority of the States, which have dishonoured their credit; and even in the repudiating and non-paying States, circumstances go far to exonerate a great portion of the inhabitants." Thus much concerning "Repudiation;" we now turn to Trade and Commerce.

Allowance must be made for the altered values of goods, and the pecuniary difficulties of the United States, in estimating the value of these *data*. For the year ending with September, 1841, the imports into the whole country were reckoned to be worth nearly a hundred and twenty-eight million dollars; and the exports of native produce above a hundred and six millions and a quarter:—but for the year ending with June, 1845, the former were above ten millions, and the latter seven millions *less in amount* than those sums. In 1841, the imports of the two great sections of the Union were in the proportion of about a hundred and eight millions for the Northern States, to twenty millions for the Southern; and the exports, about thirty-seven millions for the North, against about sixty for the South. But in both instances the

amounts set down for Louisiana include goods exported and imported by *all the States* on the Mississippi and its tributaries, amongst which are Ohio and Illinois. The exports from the North, in the year 1845, were about forty millions, against less than sixty from the South. The imports of the North in that year were above a hundred and three millions in amount, whilst those of the South were not more than thirteen millions. And it must be noted that the total of imports and exports for the Union between the years 1841 and 1845 were lower than in the last year.

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The cotton crop of 1841 amounted to above a million and a half of bales, and the quantity exported was worth more than fifty millions and a quarter of dollars: that of 1844 exceeded two millions of bales; but the exports were worth only fifty-four millions one hundred thousand dollars. The quantity which was sold to the Northern States for manufacture there, in 1841, was nearly two hundred and seventy thousand bales, and in 1844, nearly three hundred and ninety thousand. The quantity exported to Great Britain in 1841 was more than nine hundred thousand "packages;" but in 1844, above a million and a quarter; and the year before that, a hundred thousand more.

From time to time we have remarked upon the progress of the "great central basin" of North America; or, as we should prefer to call it, the Mississippi Valley. We find that in 1840 the total population of this region was only fifty thousand short of eight millions; in 1845 it had increased very nearly to nine millions. And the agricultural products of the latter year were fifty-six millions and a half of bushels of wheat, above ninety-one millions and a quarter of oats, above three hundred and five and a quarter of corn, and above twenty-nine of potatoes, nearly a hundred and twenty-nine million pounds of tobacco, more than six hundred and thirty-one and a half million pounds of cotton, and above a hundred and ninety-four million pounds of sugar.

In another particular the prodigious strides made by the United States, even during this period of diminished energy, may be seen. In the year 1841, there were in all three thousand three hundred and nineteen miles of railroad completed; in 1844, there were four thousand three hundred and eleven, making nearly a thousand in three years! And two hundred more miles were added in 1845. Of this total, seven hundred and fifty miles belonged to the Massachusetts system, and seven hundred to the system of New York; New England, without Massachusetts, had two hundred and ninety miles, Pennsylvania above seven hundred miles, and New Jersey near two hundred; and the Western States of the North, near three hundred and fifty miles; whilst the whole South had no more than seventeen hundred and ninety miles of railroad.

In an earlier Book mention was made of the Santa Fé and the Western Prairie trade. After the year 1831 the prices realized for goods transported by this tedious and dangerous track began to decline, but at the same time "few or none of the difficulties and dangers which once environed the Santa Fé adventurer, were encountered," after that year. The attacks of the Indians,



CHAP. II. and thefts of mules, which formed so exciting an element in this mediæval traffic, were now almost unknown. But a new obstacle arose in these very years, which put a stop to the trade altogether; and in the end led to a totally new state of things in this part of the Union;—the revolt of the American settlers in Texas against the Mexican government, and the brigandage consequent upon the declaration of hostilities between such parties.

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We have casually caught sight of an expedition organized in Texas, and despatched against Santa Fé itself; in which more than one American, half trader, half filibuster, was engaged, and required all the lawyer diplomacy of Secretary Webster to make out a presentable case to lay before the Mexican government. Other expeditions, by which the Texians hoped to harass the Mexican trade, attacked caravans composed of Americans as well as Mexicans,—the price of exemption from spoliation offered to the former being the abandonment of their companions. One atrocious affair of this sort was the robbery and murder of Don Antonio José Chavez, a Mexican trader, by a gang of robbers, under the command of one John M'Daniel; which occurred close to the frontiers of the State of Missouri. All of them who could be caught were brought to trial; but fine and imprisonment were the heaviest punishment that could be inflicted at the time; though some of them were afterwards convicted of murder. The issue of these filibustering expeditions was a decree by Santa Anna, dated August the 7th, 1843, closing the Mexican frontier on the North against foreign commerce, by which this channel of American trade was cut off. Another decree, in the following year, reopened the "Northern ports," (as they were called,) and during the summer and autumn a small stream of commerce flowed across the Prairies again; but the hostile aspect of the United States and Mexico, arising out of the Annexation of Texas, brought it speedily to a stand.

It was principally in the wild region of the West that the United States now had relations with the aborigines of the New World. But as yet the demand of the white men for soil to cultivate was limited by the western border line of Arkansas and Missouri; and only the half-savage hunters and trappers disputed with the red-men the possession of the almost trackless waste beyond. Scenes like those which imparted such strange interest to the adventures of the "Pioneers," who first penetrated the forests lying between the Alleghanies and the Mississippi, were of daily occurrence there; but they concerned only the actors in them. Civilized men were made aware of them only by the casual participation of some modern knight-errant, or the pages of the romancist.

Texas, on the other hand, was the arena of a conflict, far more closely resembling that which had driven back the Indian tribes, step by step, from the Atlantic into the American desert. There, in the most advanced settlements, still occasionally happened the nocturnal surprise, with its horrid accompaniments; and the protracted and successful siege. The rifle there was as needful to the farmer as his axe or his plough; and women as well as men required skill and courage in the use of that deadly weapon.

In Florida, the war that cost the United States so dear, both in lives and in money, was brought to a close. In 1839, General Macomb believed that he had ended it, by inducing the Indians to retire into the district below Pease Creek, where they were to remain unmolested. This was in May; but in July the war was recommenced by a sudden onslaught upon the United States' post on the Caloosahatchee; and without this rupture of the truce, we know that nothing but the removal of all the red-men from the country would have given content to those who really began the war. The capture of Coacooche was the first genuine success; and the possibility of accomplishing the clearance of the territory of its former population dates from that event. The expedition in the Everglades,—those remarkable natural features of Florida,—which led to the breaking up of the last Indian confederacy there, was the second step; and the concentration of the settlers in defensible posts consolidated these slowly won conquests. The final stroke was effected by the discovery of the central camp of the enemy, and their total defeat there by Colonel Worth. This was followed by the emigration to the Western Territory of almost all the Indians, under the command of Halleck-Tustenuggee; those who remained being restricted to the country below Pease Creek. The treaty of pacification was dated August the 14th, 1842; and after that nothing of moment, unless we except the capture and forcible removal of Tiger-tail, occurred. In 1845, the historian of this war testifies,—and his phrases deserve attention, as unintentionally exhibiting the spirit of the whole affair;—"No State or Territory in the Union, from which the Indian has been expelled, has had the good fortune to find so few of these natural enemies to civilization remaining in its midst, as the State of Florida. Other parts of the country have been annoyed with remnants of bands lingering about them, disgusting objects of compassion. But the Indians in Florida, from the prolific resources of the soil and the deliciousness of the climate, so well adapted to their habits and wants, are placed far above the demands of charity or sympathy." After which, who can defend the war or the removal of the Indians?

There was one question of some delicacy, that had to be settled when the Indians submitted;—the fugitive, or *alleged* fugitive slaves,—whose property should they be? And, perhaps, interest rather than humanity determined that they should be left in the possession of the red-men, a compensation being given to every white man who proved his title to any one of them.

We spoke of the political organizations of the Cherokees and the Choctaws, when the endeavours of Georgia and the other States to dispossess them of their patrimonial territories first were noticed; and the legalized institution of negro slavery was pointed out as one most remarkable feature of them. Amongst the Creeks and Seminoles also this affectation of Southern manners prevailed, but it was not characterized by its darker peculiarities. When the first-mentioned tribes were settled beyond the Mississippi, they gradually adopted all these, as the following notes of laws, enacted during the four years now under our consideration, will show.

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By an "Act," dated the 22nd of October, 1841, the crime of teaching "any free negro or negroes not of Cherokee blood, [whatever that may mean,] or any slave belonging to any citizen or citizens of the nation, to read or write," is subjected to a fine varying from one hundred to five hundred dollars, "at the discretion of the court." Another "Act," passed on December the 2nd, 1842, directed "sheriffs" to notify free negroes to leave the limits of the nation by the first day of the next year, under penalty of being immediately expelled; and menaced "free negroes" who might attempt to decoy a slave from his "owner or employer" with a hundred lashes "on the bare back," and immediate expulsion from the nation. But, in ridiculous connexion with these statutes, we find one enacted on the 15th of November, 1843, "to *legalize* intermarriage with *white men*."

After these examples, which we should be entitled to regard as caricatures were they not so cruelly real, we need to say little, in addition to what other topics have incidentally introduced, of slavery, during this term. Human nature in the South must differ *in kind* from human nature in other parts of the globe, if it be impervious to the *reductio ad absurdum* of these Cherokee statutes.

But there is another aspect of this "institution," which is presented to us now, and which we ought to regard in our estimate of this matter. Once and again we have seen how grievously the spirit of the Union is "nullified" by the inordinate yet logical requirements of the slave-holding States; how the sovereignty of the States severally, and the freedom of the citizens of them, is in the same manner subverted, ought also to be observed.

One fact we will record in the curt form of the Annual Chronicle. "1844, Dec. 5. The Hon. Samuel Hoar, who was sent by the State of Massachusetts to act as its agent in Charleston, S. C., for the purpose of aiding the coloured citizens of Massachusetts, imprisoned by the authority of South Carolina, was expelled from that city by the citizens, the legislature having passed resolutions on the same day, authorizing the governor to expel him." And in the year before that very State of Massachusetts had inaugurated a monument at Bunker Hill!

New York, "the Empire State," under the administration of Governor Seward, who so unnecessarily demonstrated his freedom from fear of British vengeance, was in the same way insulted and tyrannized over by the South. This is one story, taken from the Memoir of W. H. Seward. "In 1839, a vessel from Norfolk, Virginia, on arriving near the port of New York was found to contain a slave, who had secreted himself in the hold. He was taken and conveyed back to bondage. Three coloured seamen belonging to the vessel, who had expressed their sympathy with the fugitive, were charged with having conveyed him out of the State by stealth. Affidavits were made to that effect in Norfolk. A requisition, based on these affidavits, was made by the lieutenant-governor of Virginia upon the governor of New York, for the surrender of the accused, in accordance with the provisions of the Constitution of the United States, and the Act of Congress of 1793,



concerning fugitives from justice. *Before the requisition was presented to Governor Seward, the parties had been arrested in the city of New York; but, having been brought before Robert H. Morris, the recorder of the city, on a writ of habeas corpus, were discharged by him on the ground of the insufficiency of the affidavits to justify their detention. Governor Seward [overlooking, as it appears, the gross infringement of the sovereignty of the State,] replied that they had been discharged from arrest in due course of law, and that the affidavits in support of the requisition were informal and insufficient. At the same time he admitted that these affidavits could be replaced by new affidavits, or a formal indictment.*

“Disdaining, however, to stand upon mere light technicalities in so grave a cause, he met the question on the broad and universal principles which it involved. He took the ground, that the crimes contemplated by the Constitution of the United States, in its provisions authorizing the demand of fugitives from justice, between the several States, were not such crimes as depended on *the arbitrary legislation of a particular State*, but such as were *mala in sese*,—crimes which could be determined by some common standard, as the concurrent sense of the several States,—the common law received in them all alike, as the universal sentiment of civilized nations. No State, he argued, could force a requisition upon another State, founded on an act which was only criminal through its own legislation, but compared with general standards, was not only innocent but humane and praiseworthy.

“Thus the aiding of a slave to escape from bondage was in itself an act of virtue and humanity. No State could pronounce such an act as crime, without a perversion of both reason and justice. Still further, though slavery was left by the Constitution of the United States to the exclusive jurisdiction of the States where it existed, it was carefully excluded from Federal recognition. Hence no State was bound by the Constitution to recognise slavery or any of its incidents in another State; so as to create an obligation for the surrendry of persons charged with offences or violation of laws enacted by slaveholding States for the maintenance of slavery. This reasoning was applicable to all cases, and not alone to those which grew out of slavery.” And, accordingly, it was applied by the governor to another case, which involved him in a controversy with Georgia, respecting a fugitive slave.

Further, in this place we will only notice the sending out of Colonel Fremont's exploring expedition by land, at the same time that the other expedition, noticed in the last chapter, was sent out by sea;—which, in like manner with that other, bore abundant fruit in the increased advantage of the internal communications of the United States, and in the actual occupation of their territories on the Pacific Ocean; as the next Book will show.

Such an Administration as that of President Tyler, like that of General Jackson, but in a different manner, may be regarded as a trial of the strength of the Constitution of the United States. And, so regarded, the study of it cannot but be of great profit to American statesmen. We do not here pretend to discourse of the various and numerous “lessons,” which even the most

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cursorious perusal of our history of it would suggest ;—but there is one which, as it was the ground of the whole mistake, in electing a man of Tyler's calibre and qualities as Vice-president ; so, too, is, it one of the very first matters pertaining to the domestic politics of the Union, that require complete reform.

Only a "party vote" could have placed Tyler in nomination for an office of the *possible* eminence and responsibility of the Vice-presidency of the United States. The faintest regard for the dignity and good of the commonwealth would have prevented such a candidate from being so much as glanced at. When the really popular Harrison (and in passing we may without censoriousness say, that his popularity was his chief, if not his sole recommendation;) had been adopted as the Whig candidate for the chief magistracy ; and the party was thus assured of success ; the only concern, with regard to the subordinate office, was to name *some one*, lest their antagonists should divide the triumph with them, and Tyler was nominated simply because as the "ardent friend" of Henry Clay, he was sure of support from his friends, and those who were not adherents of the Kentucky statesman had nothing positive to object to in him, so that the whole "party" could vote for him.

Humiliating though it was to America to see Tyler filling the place which ought to be sacredly reserved for her first citizen, she yet had the satisfaction of reflecting that the national organization stood the trial. But it must be admitted that if this system of mere party election be established and the Constitution remain unshaken, it will be manifest that *only in form* is it an advance upon those European polities, in which the principle of hereditary monarchy practically reduces the person of the Executive to a mere nullity.

"It will not be too strong to say," thus did the "Federalist" predict, "that there will be a constant probability of seeing the [Presidency] filled by characters preëminent for ability and virtue. And this will be thought no inconsiderable recommendation of the Constitution, by those who are able to estimate the share which the Executive in every government must necessarily have in its good or ill administration. Though we cannot acquiesce in the political heresy of the poet, who says,

' For forms of government let fools contest,—  
That which is best administered, is best ; '

yet we may safely pronounce, that *the true test of a good government* is, its aptitude and tendency to produce a **GOOD ADMINISTRATION.**"

## BOOK XIII.

THE ADMINISTRATION OF POLK, AND THE MEXICAN WAR.

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I.—NATIONAL AFFAIRS DURING THIS PERIOD.—THE ANNEXATION OF TEXAS.—THE OREGON QUESTION.—THE NEW TARIFF.—THE SUB-TREASURY.—“THE WILMOT PROVISIO.”—THE OREGON CONVENTION.—TREATIES WITH FOREIGN POWERS.—NEW PARTIES, AND CHANGES IN OLD PARTIES.—THE COAST SURVEY.—THE COMPROMISE BILL.—*EL DORADO* DISCOVERED.—RAILWAYS TO THE PACIFIC.—ELECTION OF TAYLOR AND FILLMORE.—THE SLAVE-STATE CONVENTION.

II.—THE MEXICAN WAR.—MEXICO.—TEXAS.—HOSTILITIES COMMENCED ON THE RIO GRANDE.—BATTLES OF PALO ALTO AND RESACA DE LA PALMA.—CONVENTION OF MONTEREY.—EXPEDITIONS AGAINST CALIFORNIA AND NEW MEXICO.—EXPEDITION AGAINST VERA CRUZ.—BATTLES OF BUENA VISTA, CERRO GORDO, CONTRERAS, CHERUBUSCO, AND MOLINO DEL REY.—MEXICO TAKEN.—TERMINATION OF HOSTILITIES.—TREATY OF GUADALOUPE HIDALGO.

III.—STATES' AFFAIRS DURING THIS PERIOD.—TEXAS.—IOWA.—WISCONSIN.—TERRITORIES OF OREGON AND MINNESOTA.—CONSTITUTIONS AMENDED AND RENEWED.—LOCAL AFFAIRS.—PRESIDENT'S TOUR.—TRADE AND COMMERCE.—INDIAN AFFAIRS.—SLAVERY.





## CHAPTER I.

NATIONAL AFFAIRS DURING THIS PERIOD. — THE ANNEXATION OF TEXAS. — THE OREGON QUESTION. — THE NEW TARIFF. — THE SUB-TREASURY. — "THE WILMOT PROVISIO." — THE OREGON CONVENTION. — TREATIES WITH FOREIGN POWERS. — NEW PARTIES, AND CHANGES IN OLD PARTIES. — THE COAST SURVEY. — THE COMPROMISE BILL. — *EL DORADO* DISCOVERED. — RAILWAYS TO THE PACIFIC. — ELECTION OF TAYLOR AND FILLMORE. — THE SLAVE-STATE CONVENTION.

SELECTION now becomes increasingly more difficult and more needful, as the principle by which our history must be constructed. In the proper sense of the word, indeed, *history* is impossible in the case of events so nearly of immediate and personal interest as those of from six to ten years ago. In spite of ourselves, we are Annalists and Chroniclers, not Historians, in such circumstances. We can guess pretty nearly what objects, of those which surround us, will appear to a spectator placed at sufficient distance to view them as parts of a landscape; but *how* they will show we cannot tell. Not all our experience in studying scenery, and resolving it into its elements, will serve for this; although, conversely, our observation of things around greatly aids our comprehension of the remote prospect. Impartiality and faithfulness are, however, as possible now as before; and these will correct and prevent many an error otherwise inevitable.

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The concourse of people on March the 4th, 1845, was greater than was usual at the inauguration of a new President. Not only had the progress of affairs made it an affair of highest moment to a larger population,—this was the celebration of the victory of Democratism over Whiggism, under circumstances which rendered the victors more than ordinarily jubilant. They had succeeded by mere strength of numbers; against all probability; against all that was represented by the orator of Kentucky. Before America now lay a career of dazzling splendour, as they deemed: Texas theirs, Oregon—*all* Oregon—theirs too, be the consequences what they might. No one doubted that the Presidency of Tyler had proved worse than a failure; the new President's term of office should give the world assurance that the ancient spirit of the United States was still strong within them, and their power not decayed though so long paralysed. Not even the drenching rain could repress the exultation of the day.

In its main outlines the ceremony resembled that observed at former inaugurations; but the procession was more numerous, the persons composing it more dignified, the spectators more crowded, the display more gorgeous.

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Tyler remained to grace his rival's triumph, and the diplomatic and other notabilities attended in force. The address was a long one, but the following passages are all that concern us now.

"The Constitution itself," said the acolyte of Jackson, "plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed." Then, after promising to act according to "the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms," he proceeded to eulogize the government of the United States, as "one of delegated and limited powers," as the "most admirable and wisest system of well-regulated self-government among men, ever devised by human minds,"—and thus expounded one feature of it;—"By the theory of our government, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the Constitution, and in conformity to it. One great object of the Constitution was to restrain majorities from oppressing minorities, or encroaching upon their just rights. Minorities have a right to appeal to the Constitution, as a shield against such oppression." Our history has shown that minorities, and majorities too, have on all occasions been ready enough to "appeal to the Constitution;" but we cannot say that the former have found it a very effectual "shield against oppression." No doubt it is to be explained, but such is the fact.

The Veto power was next praised, and then the freedom which was the ægis of the land, *à propos* of which the President observed,—“It is a source of deep regret that in some sections of our country misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections,—institutions which existed at the adoption of the Constitution, and were recognised and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and the consequent destruction of our happy form of government, must speedily follow.” We do not perceive the logic of this alleged consequence; but we are bold to say that should the case stand thus, it might well become those whose peaceful agitation for the removal from their country of the stain of that grievous crime, is here menaced, to consider if their object were not cheaply gained, even at that price. But we do not believe, that they who so lightly threaten to dissolve the Union, would dare to put their threat into execution, if the North were to rouse itself to a resolute effort to be rid of its share of the intolerable burden of that guilty “institution.”

Next came a recommendation to maintain “the compromises of the Constitution,” and to discountenance “sectional jealousies, and heart-burnings,”—which meant that the North should continue to submit to the South, in a matter of conscience,—the more numerous, intelligent, enterprising, wealthy, and powerful section of the nation, to the less so,—as it had been up to that



time, and indeed, to the present hour, has been;—"We need no Banks," continued the speaker; "I shall regard it to be my duty to recommend \* and \* to enforce \* \* the strictest economy;"—"a National Debt \* \* is incompatible with the end for which our republican government was instituted;"—and "happy would it be for indebted States if they were freed from their liabilities, many of which were incautiously contracted."

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"I regard the question of annexation as belonging exclusively to the United States and Texas. \* \* \* To enlarge its limits [those of the Union] is to extend the dominion of peace over additional territories and increasing millions. The world has nothing to fear from military ambition in our government." Did the President mean to distinguish between "military" and certain other kinds of "ambition," less noble? "Foreign powers should look on the annexation of Texas \* \* \* as diminishing the chances of war, and opening to them new and ever increasing markets for their products."

"Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable;' and already are our people preparing to perfect that title by occupying it with their wives and children." "In the mean time, every obligation imposed by treaty or conventional stipulations should be sacredly respected."

"Although, in our country, the Chief Magistrate must, almost of necessity, be chosen by a party, and stand pledged to its principles and measures; yet, in his official action, he should not be the President of a party only, but of the whole people of the United States." We shall speedily show how far the conduct of the new President was conformable to the noblest and manliest of these avowals; and how far he proved "the President of a party only." The verdict of his own party, at the conclusion of his term of office, will not be difficult of interpretation; and may seem to illustrate the effects, perfectly legitimate, (as our story will demonstrate,) of electing to the Presidency, not only mere party men, but in fact only such party men as could by a party alone be elected.

On the second day of his tenure of office, Polk nominated his ministers, and the Senate, then in session for the purpose, confirmed the appointments. James Buchanan was made Secretary of State; Robert I. Walker, Secretary of the Treasury; William L. Marcy, Secretary of War; George Bancroft, Secretary of the Navy; Cave Johnson, Postmaster general, and John Y. Mason, Attorney-general.

Tyler's proceedings in relation to the Texas annexation question very happily exhibit the inconveniences of the plan of party-government, so emphatically disavowed by his successor. Congress left it to the option of the President, whether the annexation should be accomplished by Treaty, in the regular manner, which would necessarily have transferred the glory of the deed to his successor; and which was the intention of Benton and those who carried the amendment to the original resolutions;—or should be effected

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immediately, according to the tenor of those resolutions. The Democrats insisted afterwards, that no one thought of Tyler's being concerned in the matter; everybody looking to Polk, who had been chosen in preference to Clay, mainly, they said, on account of his being an annexationist at any price. But Tyler immediately availed himself of the opportunity presented, and communicated the joint resolutions of Congress to the *Chargé d'Affaires* of Texas; thus anticipating his successful rival, and leaving to Polk nothing but the formal completion of what he had done.

On the part of Texas, a convention was immediately summoned, and on July the 4th, 1845, it assented to the joint resolutions, and the country was thus made an integral part of the Union. The President was requested and authorized to lose no time in establishing a line of frontier-posts, and occupying any exposed position along the western border of the new State; and an "army of occupation," under the command of General Zachary Taylor, was despatched for its defence. On July the 26th, a body of United States troops was landed at Aransas Bay, and on the same day the American flag was first hoisted, by authority, at the south end of St. Joseph's Island, in sign that the land was now united to the great Confederation.

General Almonte, the Mexican minister at Washington, had demanded his passports on the 6th of March; and at the beginning of the following month, the Mexican government refused to hold any further communications with the United States minister, on the ground that the annexation of Texas was an act of war against Mexico; and thus in fact commenced the Mexican war, although hostilities did not actually take place until the following year. And here we leave this subject until the next chapter, into which we shall compress our narrative of the whole affair, both in its legislative and political aspect and in its military relations. Upon Polk was thus thrown the responsibility of the war, although, as in the case of Jefferson and Madison with the second war with Great Britain, to his predecessor really belonged the blame of having hurried matters forward, in spite of the representations of Mexico, until no course was open to him but the appeal to arms.

Oregon was the subject next in importance, to which the attention of the Administration was directed. The Baltimore convention, when it nominated Polk as Democratic candidate for the Presidency, announced (as we remember) amongst the "cardinal articles of Democratic faith,"—the "reoccupation of Oregon" and the "reannexation of Texas." The latter had been realized by Tyler, but the former was left for the new President to accomplish, if he could. Our readers will remember that, in 1818, a convention was arranged between the governments of the United States and Great Britain, for the joint occupation of this region, during the next ten years; and that by a second convention, in 1827, this arrangement was indefinitely prolonged, with the provision, that after the termination of the ten years originally fixed for the joint occupation, either of the contracting parties might set aside the arrangement, by giving twelve months' notice to the other. How Benton and others protested against the division of the sovereignty, and laid claim to all,

and more than all the territory in question; and how they who gloried most in the "compromises" of the Constitution and the legislation of the United States resolutely renounced all compromise here, have appeared in our former notices of this matter. And we have seen how, in default of any other subject, by reference to which the mis-Anglican party were able to keep alive that jealousy of the Old Country, that was to them the principal pledge of manifestation of the independence of their own,—this Oregon question was used, until at last the "reoccupation" of the territory, which had never by either party to the contest been *occupied* at all, was made one of the tests of Democratic orthodoxy.

It must be borne in mind, however, that positive and peremptory as was the tone of all who spoke against the joint occupation, and who advocated the widest claims, before American audiences, and in the columns of the newspapers, the government had endeavoured to effect a "compromise" with the government of Great Britain (whose claims had been as broadly and uncompromisingly made as those of the United States); and had proposed a line which was in fact a continuation to the Pacific of the boundary already established on the eastern side of the Rocky Mountains. And the blame of the non-acceptance of this reasonable solution of the difficulty, as it seems, now rested with the British government. For we cannot reckon the proposal of the latter as a practicable compromise; and hardly as a *compromise* at all, the conflicting claims and the arguments in justification of them being taken into account.

We remember that in the instance of Texas the real, but not often avowed, reasons for and against its annexation, on the part of the two great sections of the Union, respectively, was the additional weight which would thereby be given to the Southern and Slave-holding interests, against the interests of the Free States of the North. It is to be remarked now that, on this Oregon question,—as indeed with regard to *every question of national import* in the United States,—the same principle entered into the formation of the two parties in favour of, and opposed to, the assertion of the widest claims. "The area of freedom must be extended:" such, as Isaac E. Holmes of South Carolina, the "practical nullifier" we have already met with, stated, was one of the "abutments" on which was "to be sprung the great arch that was to cover the whole question with its mighty influence." And as a South Carolinian he resolutely opposed the extreme claim.

President Polk, as we said, was elected in good part because his sponsors at the Baltimore Convention avouched him to be determined to have the whole of Oregon; and thus, no doubt, he won the support of the North; even as we know his soundness in the faith regarding Texas secured him the votes of the South. But when securely seated in the chair of office, he inevitably fell back upon the views which as a Southern man were naturally his own, and which were diplomatically the most realizable. On July the 16th, a conference was held between the new Secretary of State and the British minister at Washington, at which the former presented a statement, in which

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From this brief account no picture of the fierce excitement which spread through the country can be derived. The old hostility to Great Britain seemed revived in greater strength than ever before. North and South, laying aside every consideration of enlightened political expediency, which counselled the maintenance of peace with the parent country, appeared to be inflamed with an unappeasable determination to appeal to arms at once; and it was not obscurely intimated that, should the sword be drawn, as the harvest to be reaped on the battle-field, nothing less was expected than the whole of the British possessions in North America. On the other side, in the Parliament of Great Britain, (where, however, only the last Message of President Tyler was known,) and in the public journals, the most exciting language was used; and the resolution to insist upon the most extensive claims of that government to the disputed territory was avowed by the members of the government themselves. With the Mexican war on the very eve of breaking out, and with no means of avoiding or averting it, for Texas could not be cast off without worse results, the Administration saw itself drifting fast into such a position with regard to Britain that actual hostilities could not be prevented.

Yet there were to be found, in both countries, numbers of politicians and statesmen who inclined to more reasonable measures than the spokesmen of the multitude, on both sides of the Atlantic, advised. These could see clearly enough that the rival claims were of such a nature that by a compromise alone could they ever be equitably adjusted; and that the honour of neither party to the dispute required the sacrifice of so much wealth, and so many lives, (more precious than all other wealth of nations,) as must be sacrificed if the validity of the conflicting claims should be submitted to the arbitrement of war; whilst centuries would not then efface the rankling enmity from either people against the other. But to Daniel Webster is due the movement which led to the solution of the difficulty and the settlement of this grave question. A letter of his addressed to the statistician M'Gregor, (whom we have so frequently quoted from, and referred to,) strongly deprecating the course taken by the British ambassador, and recommending the acceptance of the forty-ninth parallel as an equitable basis for treating, was communicated to Lord John Russell, and by his advice to the government, (for he was himself in opposition then,) "and the result was, that the first packet that left England carried out to America the proposal [which was, in fact, the original proposal of the United States' government] on which the treaty of Oregon was [soon afterwards] happily concluded."

We do not need to refer to British authorities on this matter, but we may give the following paragraphs from a speech uttered by Webster at Boston, in the month before Congress assembled, as indications of the arguments which prevailed with the people of the two countries, and preserved an honourable and honest peace. After speaking of the distance of the region in question from Washington and London alike, and predicting, on that ground, the uprise of "a great Pacific Republic, a nation where our children may go for a residence, separating themselves from this government, and forming an integral part of a new government, half-way between England and China," the orator proceeded thus:—

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"But, gentlemen, in this point of view is this a subject upon which it is proper by popular appeal, or by loud representations of patriotism, or by a sort of stormy defiance of the power of a great nation, on one side;—is it proper, on the other side, by cries about the maritime ascendancy of England, the great wealth, the dignity, the power, the martial prowess of England;—is it a question on which, by outcries of this sort on either side of the ocean, these two great communities are to be embroiled and plagued in all their commercial and friendly relations, or to be compelled to run into the horrors of war? No, gentlemen, the spirit of the age is against it!"

Then showing the reasonableness and propriety of the proposed boundary-line, the forty-ninth parallel, he asked,—“who is the man at the head of either government who will take upon himself the responsibility of bringing on a war between two nations like Great Britain and America, upon a question of this kind, until he is prepared to show that anything and everything that he could do has been done to avoid such a terrible ultimate result.” And thus he reproved and allayed the alarm which the commercial part of the community had felt at the menacing language spoken by the noisier politicians, both in England and America.

“Now, gentlemen, I do not propose that on this subject we take any alarm. I propose that we keep ourselves cool and calm. In some of the Southern cities there is now some agitation for fear of a war. I regret this much. I hardly say I regret the feeling,—that is natural. But I regret the cause. It is a common mistake of men not in the most elevated position that they think they can play the small patriot safely, in a small way. There are those who think that they can talk of a war with England and any other nation, and get credit for their patriotism and lofty love of country, but keep the game in their own hands. That may not happen. At any rate, that is not the way nor the course which just and lofty and respectable men feel on the great question of peace or war. This constant speculation, this supposition that war may come, is half as bad as war itself. It interferes with all the business and arrangements of life. It confounds and confuses men in regard to their own business plans. What we want is *settled peace*, and the conviction that peace will remain until there is *some just and sensible cause for war*.”

This was the position of affairs when, on the 1st of December, the Twenty-

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ninth Congress assembled for its first session. Removals from office (which were now the settled custom on the accession of a President of a different political party from his predecessor) had effected so great an alteration in the balance of power between the parties, that in both Houses the Democrats had a decided majority, as the choice of John M. Davis for Speaker, by a majority of a hundred and twenty votes over seventy-two votes given to Samuel F. Vinton, and nineteen scattered amongst other candidates, clearly proved. On the following day the Message was received; and in one respect this document was especially noticeable,—it considerably exceeded in its wordy profusion the profuse and wordy Messages which since Jackson's time had been in vogue.

What was said of Texas we reserve for the next chapter. Respecting the Oregon Territory, the President gave a full history of the negotiations, &c., by which the question had been brought into the then existing condition, and recommended that provisions should be made by law for giving the notice required for the termination of the convention with Great Britain, of the 6th of August, 1827. He also recommended Congress to proceed with as little delay as possible to the full extent to which the British Parliament had proceeded with regard to British subjects in that territory, in affording to the citizens of the United States there "the protection of our laws and our jurisdiction, civil and criminal;" and to establish an Indian agency there; with various other provisions that indicated the resolution of the Administration to act with the greatest vigour in substantiating the American claims to the whole of the tract.

More ominous regarding the future was the reïssertion, in the most peremptory manner, (but restricting it to North America,) of the dictum of President Monroe respecting the colonization of the American continent by the powers of Europe. The President most emphatically disavowed for the Western World any relation to, or part in, that States'-System which had gradually grown up in Europe, of which the maintenance of "the Balance of Power" was one most important part; and thus he concluded,—"*Existing rights of every European nation should be respected; [the Cuba question had not then assumed the appearance it now wears;] but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, [and with this, certainly, no foreign power could be displeased; for it was a matter of domestic concern solely whether the United States chose to leave any part of their territory without such protection;] and that it should be distinctly announced to the world as our settled policy, that no future European colony, or dominion, shall *with our consent* be planted or established on any part of the North American continent.*"

The financial statement showed that both the receipts and expenditure of the year (three months only of which were included in the new President's term,) approached the sum of thirty millions of dollars,—and that the expenditures exceeded the receipts. The amount of the public debt was more than seventeen millions.



Amongst the miscellaneous recommendations, the principal were, the revision of the tariff laws, for the purpose of reducing the rates of duty, and abolishing the protective system ;—and the establishment of a constitutional Treasury for the custody of the public money,—the employment of State banks as depositories being in effect the conversion of that money into banking capital, and the loaning of it to the banks without interest, to be loaned by them at interest to their borrowers. The employment of steam in the navy, and the exercise of liberality and generosity towards the citizens of the district of Columbia, were also suggested. And the Message was concluded by a panegyric upon Andrew Jackson, who had died in the preceding summer.

In the Senate the discussion of the Oregon question was opened in the middle of December by General Cass ; who introduced resolutions for inquiry into the condition of the navy, of the land defences and militia, assuming the imminence of war, in a speech which, regarded as an address in the legislature of a great nation, is a very remarkable production ; or would be, had it not been outdone in its own peculiar species of oratory and statesmanship, by the speeches of several other Senators of far less eminence than Cass. Daniel Webster and others, as far as their speeches went, did much to retrieve the character of the Senate ; but the unseemly and unprovoked violence of the other side remained unproved, and not a single vote was recorded against the resolutions.

Whilst this debate was proceeding, Stephen A. Douglas, in the House of Representatives, was coöperating with Cass and those who sided with him, by means of a bill for protecting the rights of the American settlers in the disputed Territory ; and by the introduction of resolutions, (in opposition to some of a conciliatory nature printed by Winthrop of Massachusetts,) declaring that the claims of the United States could neither be “compromised” nor submitted to arbitration. And at the same time a joint resolution of the two Houses, giving the requisite notice to Great Britain for terminating the joint occupation of the Territory, as the President had recommended, was pressed forward.

Any abstract of the debates which arose upon all these resolutions, &c., would fail to convey a correct impression of their nature and tendency. Every rational and conceivable aspect of the question, as well as many aspects not rational nor (strictly speaking) conceivable, were elaborately expounded and argued. The title of the United States to the territory,—which every speaker considered unquestionable, and which every one put upon a different basis ;—the notice of dissolving the convention of 1827, and would it result in peace or war ;—the extent of the claim, and the possibility and propriety of negotiation and compromise ; — national defences ; — the war of 1812 ;—the Revolutionary war ;—with an endless variety of other topics, introduced, one is fain to believe, principally for the purpose of commending the speakers to their constituents “at Buncombe,” and not meant to waste the time or derogate from the dignity of the national Legislature, were treated of in amplest and most excited manner.

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Representative Douglas disputed the right of Great Britain to possess "one inch" of land on the north-west coast of America; averring that Russia, Spain, and the United States alone had such right; but *why*, or *how*, especially as Great Britain actually had possessions there, and Spain had none at all, the impassioned orator failed to make plain. Indeed he said that he would never agree to any arrangement not based upon this assertion; which, as he was not in the Senate, was a promise of little moment.

But, as an observer of the feeling of the country under these stimulating applications has recorded,—“the temper of large portions of our people had been wrought up to high fever-point. The image of some flagrant wrong, hidden from their knowledge, as they supposed, for a quarter of a century, rose up before their excited visions in grim demand for retribution. The character of the debate, the fierce appeals which in some cases were made to popular passions, added fuel to the flame. They who had raised the storm, whose muttering thunders were even now heard in the distance, began to realize the conviction that, yet a little while longer, and they would neither control nor direct it.” It was, in fact, painfully evident that the spirit of the people had been aroused by the most exaggerated representations, for the selfish ends of speakers as undeserving of the confidence of the multitude as they were incapable of inspiring it with truly noble enthusiasm. And lovers of their country could but rejoice (with trembling, it might be) that there was yet sufficient influence at the command of those who could conceive a plan of enlightened and generous policy to counteract—though it was with difficulty—the mischievous effects of these declamatory incendiaries.

Meanwhile, negotiations had actually been recommenced, and were proceeding, between the British minister at Washington and the Secretary of State, with more than the customary rapidity of such affairs; and although the supporters of the Administration in the legislature did not know what the views of the government really were, and the advocates of the forty-ninth parallel, and of the parallel of fifty-four—forty, by turns claimed the President as theirs, and wrangled over their contradictory statements of his opinions, we know that common sense and the country's good carried the day with those to whom, happily, the execution of the popular will was now committed. But we must pause here, and note some other business transacted by Congress in these months; for it were unjust to tell the story of this session so that it should seem wholly unmindful of its proper tasks.

A new Tariff bill was well discussed, and eventually carried by a majority of a hundred and fifteen over ninety-three, in the House of Representatives, but by a majority of only one in the Senate, (and on one question by the casting vote of the Vice-president,) where Webster, the great protectionist now that Clay had withdrawn from the field, thundered against it, for bringing into dangerous competition with domestic produce, in the home market, the manufactures of Europe. *Ad valorem* duties were imposed instead of specific imposts; and the fundamental principle of the “American system” was given up so far, that though we cannot speak of the Tariff altogether in

such terms as would please us, we may point to it as evincing practically an approach to sound legislation on one of the most vital concerns of the nation. Another bill, supplemental in its nature to this, for the warehousing of imports, in public stores, and for limited periods, without payment of duties, until they were required for home consumption or reëxportation, was also passed. Both which Acts produced the greatest discontent in the manufacturing States; and particularly in Pennsylvania, where the iron-trade was largely affected by them.

Another recommendation of the Message, which Congress adopted and acted upon, was that relating to the establishment of a Sub-Treasury. This addition to the Treasury department very nearly resembled that by which Van Buren signalized his Presidency; but many of the objections to that scheme were obviated in this; which, in spite of the denunciations of Webster,—perhaps, because it was perceived that the credit of the country was affected by every change made in the management of its financial matters,—has lasted to the present day.

The annexation of Texas was consummated in the course of this session, by the admission of Senators and Representatives from the newly affiliated State, by Acts passed specially for the purpose. Daniel Webster indignantly noted the fact that, really, by the Senators from Texas the Tariff Bill was carried!

It was now, we must also remark, that “the Wilmot Proviso” originated. As the session was drawing to a close, the possibility of peace with Mexico occurred, and an appropriation was made to facilitate matters; whereupon David Wilmot, a Representative from Pennsylvania, Democrat though he was, moved the addition of this *proviso* to the bill authorizing the employment of the three millions of dollars allotted to that use,—“That there shall be neither slavery nor involuntary servitude in any territory of the continent of America which shall hereafter be acquired by, or annexed to, the United States, by virtue of this appropriation, or in any other manner whatsoever, except for crimes whereof the party shall have been duly convicted;—*Provided always*, that any person [a dangerous word this, in such connexion] escaping to such territory, from whom labour or service is lawfully claimed, in any one of the United States, such fugitive may be lawfully reclaimed, and conveyed out of said Territory to the person claiming his or her labour or service.”

“This *proviso*,” we are informed, “was adopted with little discussion, but not without calling forth much feeling, by the House; nearly all the Members from the Free States supporting, whilst those from the slaveholding States opposed it. The bill thus amended was, on the last day of the session, sent to the Senate, and was promptly met by Mr. D. H. Lewis, of Alabama, with a motion to strike out the *proviso*. Mr. Davis, of Massachusetts, rose in opposition to this motion, and was speaking against it, when word was brought that the House had adjourned;—the hour of adjournment, noon, having been struck by the clock in the House, though not yet reached by the Senate’s clock. The bill therefore failed for the session.”



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Near the close of the session, two bills were vetoed by the President, one called the River and Harbour Bill, on the ground that some of the appropriations were unconstitutional, and that the money was wanted for the Mexican war; the other a bill for indemnifying the sufferers from French spoliation before 1801, (which we confess we had hoped never to hear of again,) because the subject "*had not been sufficiently considered!*" and the money was wanted for the war.

It was on April the 23rd, 1846, that the joint Resolution authorizing the President, if he considered it discreet to do so, to give notice to Great Britain for terminating the joint occupation of Oregon, finally passed both Houses by large majorities. But a happier issue was soon found than this notice could have led to, although it was carried by the moderate party against the more violent declaimers upon the rights of America.

For an active correspondence had been maintained with the British government, through Richard Pakenham, the British minister at Washington, and through Louis M'Lane, the American minister at London; and at length, on the 10th of June, the Senate was called upon to discuss a proposal, in the form of a convention, presented to the Secretary of State by the Envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, for the adjustment of the Oregon question; on the 12th, the Senate, by thirty-eight votes against twelve, advised the acceptance of the proposal;—three days later the Convention, duly concluded and signed, was transmitted to the Senate for ratification; and on the 18th the ratification was carried by a vote of forty-one over fourteen.

By this convention, the forty-ninth parallel of North latitude was adopted as the boundary between the territory of the United States and the British possessions, but Vancouver's Island was given up to Great Britain; the navigation of Fuca's Straits and of the Columbia River was declared free to both Americans and British navigators, and rights of actual possessors of land on both sides of the boundary line were to be respected by both parties. An attempt was made to attach an explanation to the article declaring the navigation of the Columbia free, by which the liberty to navigate its waters would expire with the existing licence of the Hudson's Bay Company, in May, 1859; but "it does not appear that any such understanding was placed on the records of the Senate."

We may as safely as we do gladly dismiss all explanations of General Cass, and Stephen A. Douglas, and others of the Democratic party who had elected to live or die by the claim of "fifty-four—forty," and who did not expire with the ratification of the Oregon convention; and in place of them present the following remarks, addressed by Louis M'Lane to the New York Chamber of Commerce, in the month of September of this year, 1846, after his return from Great Britain.

"Having now effaced," he said, "upon honourable terms, the last cause that threatened the peace of two people of kindred origin, and associated by commercial relations more extensive and important than exist between any

other two nations of the globe, may we not now hope to begin a new career of international intercourse, and by the uninterrupted pursuit of commerce and the arts extend and cement our relations? It ought to be considered as fortunate that these results have happened at a moment when, by the wisdom and courage of British statesmen, a most important step has been taken in the enlargement of commerce, [Sir Robert Peel's Free Trade Measures,] by which the trade of different nations must be vastly extended, and the motives of harmonious relations indefinitely multiplied, as between the United States and Great Britain especially, through causes which ought naturally to associate the two people upon an honourable basis, and contribute to their mutual prosperity, may now have fair play, and our competitions in future be confined to a generous rivalry in all that can advance the happiness of the people of both countries, and of mankind at large.

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"I would do injustice to the occasion of it if I should omit to state it as my opinion, that in the country and among the people I have just left these expectations begin to be generally entertained, and that the settlement of the Oregon Question will soon come to be universally regarded as the knell of those inveterate jealousies and feuds which, it may be apprehended, have so long excited a mischievous influence over the people, if not upon the councils, of both countries."

During the year 1846, conventions with Saxony and Nassau for the mutual abolition of the *Droit d'Aubaine*, and taxes on emigration (which before long produced consequences in the United States little expected by those who promoted the treaties,—being in fact amongst the most active causes of the development of the "native American" into the "Know-nothing" party); an additional article to the convention with France for the mutual surrender of criminals, and a commercial treaty with Hanover, were concluded and ratified;—which will show that, whilst faithful to the doctrines of Washington (and of Jefferson, so far forth as his *exoteric* creed,—for he had an *esoteric* doctrine with regard to connexions with France and England) respecting foreign alliances, the government of the United States did not fail to extend its amicable relations with the powers of Europe, whenever opportunity was offered.

Congress, which rose on the 10th of August, 1846, after one of the longest sessions on record, assembled again for its second session on December the 7th, and received the President's Message on the 8th. This document was necessarily almost entirely taken up with the war, upon which subject it was in turn apologetical, historical, and eulogistic; it further announced the receipts of the last fiscal year to be nearly twenty-nine and a half millions of dollars, whilst the expenditure exceeded twenty-eight millions by a very trifling sum; and the balance in the treasury to be above nine millions; the total amount of the public debt it declared to be a little in excess of twenty-four millions and a quarter, of which nearly six millions and a half—and no more than that, although the nation had been engaged in an expensive war—had been incurred by the present Administration; but notice was given

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Although the new Tariff Act had not been in operation more than seven days, and therefore nothing practical could be said about it; custom permitted the President to insert in his Message a long *diatribe* on "Free Trade" in general, and to claim for the United States a position beside Great Britain on the ground that they had "simultaneously abandoned the protective policy," although so much remained to be done by both governments, and especially by the American, ere either could be said to have abandoned protection as a "policy." And little more, excepting a recommendation to improve and complete the Sub-Treasury scheme, was contained in this Message, that demands notice here.

Most of the measures of this session—the short one before a new election—related to the war; and of them one alone ("the Three Million Bill," as it was called) needs to be spoken of, because there was appended to it "the Wilmot Proviso." The House passed this "proviso" again, but the Senate (in which the influence of the Slave States is proportionately greater than in the House) rejected it; and the Representatives, finding the other branch of the Legislature resolutely determined not to allow it, assented to the passage of the bill, without this amendment.

Of greater interest were two bills which failed to become laws. The first was proposed by the Secretary of the Treasury, and was intended to assist in supplying the "sinews of war," so that the resort to loans might be more sparing. It was nothing less than a scheme for laying an *ad valorem* duty of twenty-five *per cent.* upon tea and coffee! There were opposed to this tax not only the traditions of the Revolution but "the Compromise Act" of 1832, which expressly exempted these articles from taxation. Much indignant oratory was called forth by this proposal, and more than one "rowdy scene" disgraced the halls of the Legislature, when some Member would from his place in Congress reply to the personal attack of a newspaper; but the opponents of the plan triumphed, and other means of increasing the revenue had to be devised.

Far more instructive is the record of another failure. Ireland, the unhappy, misgoverned, ungovernable Ireland, was at this very time smitten with famine and pestilence; and America right nobly testified her possession of that "natural affection" which poets tell us must always bind kindred in blood together. Two separate attempts were made to carry through Congress a bill for appropriating half a million of dollars to the purchase of articles of food, and paying the cost of transporting them to Ireland, for gratuitous distribution there amongst the starving people. Very few of the Members of either House objected to the purpose and design of these bills, —one did, it is true, move that the committee of Ways and Means should be instructed to report a bill for distributing half a million's worth of fuel and flour amongst such *American* poor as might be found in a state of distress, but this *mauvaise plaisanterie* received little encouragement;—they failed, in part,



because strong doubts were entertained respecting the competency of Congress, under the Constitution, to make such an appropriation of the public money; and in part, because the people themselves were determined to do all that was in their power for the relief of their suffering kinsfolk on the eastern side of the Atlantic. There can be little doubt that gratitude for this timely and invaluable aid stimulated the emigration from Ireland to America into an "Exodus," as much or more than any well-grounded sense of "Ireland's wrongs;" and this consideration ought to be regarded by those in the United States who have espoused the Native American party as some set-off against the charges they have been accustomed to bring against the "Aliens."

As soon as the twenty-ninth Congress expired, and the Members were dispersed to their homes, the task of electing a new House of Representatives commenced in earnest; for all the agitation and canvassing and canvassing which had been done, was but preliminary to the real struggle. The issue showed that the measures of the Administration had not retained for it the popularity with which it entered into office. The Mexican war had deprived it of the favour of some States; and others had been displeased at the repeal of the Protective Tariff; and so, when the first session of the thirtieth Congress commenced, it was plain that, though in the Senate democracy was still dominant, a majority of the other House was in opposition to the government.

The first demonstration of this change in the temper of the House was given on the very day of opening, the 6th of December, 1847; when Robert C. Winthrop, a Massachusetts Whig, was elected Speaker at the third ballot, by a majority of a hundred and ten votes against sixty-four given to Linn Boyd, the principal Democratic candidate, forty-one to other Democrats, and three to other Whigs. The other officers of the House, who had now to be appointed, were, of course, of the same political complexion. Most of the Message, which was as usual sent to the Houses on the day after they had organized themselves, bore upon the Mexican war, which was now virtually ended, and it was manifest that a very considerable accession of territory to the United States was contemplated, both for the purpose of disabling Mexico from ever taking any but a subordinate rank in America, and also to secure compensation for the cost of the hostilities which Mexico had undoubtedly been the first to commence, although the original provocation had come from the United States.

Very interesting diplomatic information was furnished by one paragraph, in which,—after recommending the establishment of legal tribunals for the punishment of criminals in China, lest the impunity of citizens of the United States guilty of crime there should lead to any interruption of friendly relations with that important nation,—mention was made of "treaties with the Sublime Porte, Tripoli, Tunis, Morocco, and Muscat," all awaiting the sanction of the Senate; and of the commencement of diplomatic intercourse with the Papal States, which required an appropriation to defray the expense to be incurred.

The receipts into the Treasury, during the year ending in June, 1847, had

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been twenty-six and above a third millions of dollars ; but the expenditure failed by only some half a million of reaching the great amount of sixty million dollars. The entire public debt was said now to be forty-five millions and two-thirds. "Should the war with Mexico be continued," it was also said, "until the 30th of June, 1849, it is estimated that a further loan of twenty millions and a half of dollars will be required for the fiscal year ending on that day, in case no duty be imposed on tea and coffee, and the public lands be not reduced and graduated in price, and no military contributions shall be collected in Mexico." Of the new Tariff, the Message averred, that "its effects were visible in the great and almost unexampled prosperity which prevailed in every branch of business." The operation of the Independent Treasury was eulogized thus :—"While the fiscal operations of the government have been conducted with regularity and ease under this system, it has had a salutary effect in checking and preventing an undue inflation of the paper currency issued by the banks which exist under the State charters. Requiring, as it does, all dues to the government to be paid in gold and silver, its effect is to restrain excessive issues of bank paper by the banks, disproportioned to the specie in their vaults, for the reason that they are at all times liable to be called on by the holders of their notes for their redemption, in order to obtain specie for the payment of duty and other public dues. The banks, therefore, must keep their business within prudent limits, and be always in a condition to meet such calls, or run the hazard of being compelled to suspend specie payments, and be thereby discredited."

And in addition to these subjects, the Mint, the Public Lands, the government of the Oregon Territory, the Navy, the Steam-marine, and the Post Office, received notice in this Message, which concluded by urging attention to Washington's exhortation to preserve the Union, and avoid exalting local and topographical interests into political parties, by such considerations as we can imagine a President of Democratic views, more than half a century afterwards, resorting to.

The legislative labours of this session were seriously interfered with by the preparations for the Presidential election, in which the great parties were necessarily much more interested, than in the making of laws, which a change in the politics of the Administration might so soon render valueless. Our space will not allow us to give even an abstract of what was accomplished ; but we may say that "the Wilmot Proviso" was again warmly debated, and that the discussion of the bill providing a Territorial government for the Oregon Territory furnished only too favourable an occasion for the ventilation of that question, which (so long as the "domestic institution" of the South exists) must always array the two great sections of the Union, in spite of all the warnings and counsels of Washington, under mutually hostile banners. When it was passing through the Senate, amongst other amendments, on the motion of Senator Douglas, the *Missouri Compromise* amendment was appended to it ; but the House refused to concur in this addition to its bill ; and the Senate in consequence receded from this amend-

ment, by a vote of twenty-nine against twenty-five, when the House accepted the others. CHAP.  
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Previously to this attempt to overthrow "the Wilmot Proviso" by a side-wind, and to get slavery admitted into the newly-acquired territory,—for, by the treaty of Guadalupe Hidalgo, California and New Mexico had become the property of the United States, and it was hotly debated whether or not this acquisition should be wholly given up, so far forth as its political importance was concerned, to the Southern party;—previously to this attempt, the Senate had by a majority of thirty-three against twenty-two passed a Compromise bill, for the purpose of settling, if it might but be done, the question of the government of the new territory; but the House was so dissatisfied with it, that by a majority of a hundred and twelve against ninety-seven it voted that the bill should be laid upon the table; and a motion to reconsider it was lost by a still larger majority. There is but one other measure of this long session, for Congress did not adjourn till the 14th of August, 1848, which shall detain us now; and that not a successful one. The committee on commerce reported a bill making appropriations for some "internal improvements,"—in fact, for the preservation and repair of public works on certain harbours and rivers;—in the beginning of February, three days before the end of the session, it was carried by a majority of a hundred and eighteen over sixty-two,—which was nearly the majority of two-thirds required by the Constitution to give a bill the force and efficacy of a law, "the President's objections to the contrary notwithstanding." It was sent to the Senate, referred to its committee on commerce, reported without amendment on the closing day, and dropped without regard to its importance. "*Nothing more was heard of it,*" said a sympathizing observer of its fate.

Earliest of all the great parties in the field, the National Democratic party summoned a convention at Baltimore in May; and from the 22nd to the 26th of that month this extra-constitutional body earnestly considered the question of the fittest men to nominate for the Presidency,—or, at least, the men whom the party would most certainly rally round, and support with all its numbers and influence. Andrew Stevenson of Virginia presided, and both divisions of the Democratic party of New York, the "Hunkers" and the "Barn-burners," sent delegates, who claimed to represent the Democracy of the Empire State;—both were admitted, but, as this only neutralized the vote of that State, both declined to take their seats, and New York did not, in consequence, take part in the convention. On the fourth ballot, General Lewis Cass was selected as the candidate of the party for the principal office, and General William O. Butler, of Kentucky, was subsequently chosen as its candidate for the Vice-presidency.

The Whig National Convention assembled in the following month, at Philadelphia; but although its task was more difficult than that of its opponents, because it had a greater number of distinguished men to choose from, it occupied only the 7th and 8th of June, and at the third ballot, passing over Daniel Webster and Henry Clay, it took General Zachary Taylor, rather



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than his senior officer and compeer in renown, General Winfield Scott, as "the most available candidate" (according to the most prudent men,) for the Presidency; and Millard Fillmore for its nominee to the second office. And it was said, not in whispers, that this was the result determined on from the beginning; although three sham ballots had preceded that which settled the question.

Near the end of the same month, the members of the Democratic party, who were dissatisfied with the nominations of the Baltimore Convention, met at Utica, in New York, and on the 22nd and 26th chose, as their candidates, Martin Van Buren and Henry Dodge;—but the latter after a week declined the dubious honour.

Out of the "Wilmot Proviso" agitation there had arisen a new party in the States, which called itself "the Free-soil party." The Abolitionists were naturally its chief strength; but it received considerable accessions from both Whigs and Democrats, who were unfavourable to the extension of the slaveholders' interests in the South, and believed that the preservation of the Union required the equilibrium of the "balance of power" of the Slave States and the Free. It was, of course, almost exclusively Northern in its *personnel* and general politics. This new party held its Convention (wherein sixteen States appeared by their delegates) at Buffalo, in New York, on August the 8th, and as it could not expect to carry a candidate of its own into the President's chair, it adopted the candidate of the Convention at Utica, Martin Van Buren, with its own president, Charles Francis Adams, of Massachusetts, for the Vice-presidency.

Before Congress reassembled, the Presidential election took place; and the results, though not officially declared, were soon afterwards known to be the following. For General Taylor as President, and Millard Fillmore as Vice-president, the votes of Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Georgia, Florida, Louisiana, Tennessee, and Kentucky, a hundred and ninety-three in all, were given; and they were the victors. Generals Cass and Butler received the votes of Maine, New Hampshire, Virginia, South Carolina, Alabama, Mississippi, Texas, Arkansas, Ohio, Michigan, Indiana, Illinois, Missouri, Iowa, and Wisconsin, a hundred and twenty-seven in all; and they were defeated. The "Free Soilers" did not appear in this vote by States; but the "popular vote" shows their relative strength, and that of the other two parties, thus;—Taylor was supported by a million three hundred and sixty-two thousand and twenty-four votes; Cass, by a million two hundred and twenty-two thousand four hundred and nineteen; and Van Buren, by two hundred and ninety-one thousand six hundred and seventy-eight;—and above five thousand other votes were "scattered" and lost: so that, very probably, had the Baltimore Convention given general satisfaction to the Democratic party, its candidates would have been successful. The total vote at this election was very nearly exactly double that given at the Presidential election of 1836.

Before we return to the affairs of the general legislature, we may mention two matters of the highest importance which belong to this period of United States' history. The first is the Coast-Survey, which, for a people addicted to commerce, and using the sea as a means of communication, not only with foreign lands but also with the remote parts of their national territory, might have been expected as one of the earliest undertakings of the Federal Government. The first proposal for such a survey was made in 1806, but (to pass by the most unsatisfactory part of the story) not till 1832 was it steadily commenced; in 1843 the work was reorganized, and in 1848 sufficient progress had been made to show the inestimable value, not to America, nor to commerce and navigation only, of this great and truly national work.

The second is the discovery of gold in California, a more special notice of which will be given in another chapter, but which demands some notice here, on account of the extraordinary results, both in the United States and in Europe, and even in China, which followed the announcement that *El Dorado*,—the dream of the first adventurous explorers of the Western World,—and that not in fable but in actual, solid fact,—had been found. To the Americans it seemed to be a preternatural attestation of the reality of their boast, that their nation, the youngest offspring of Time, was destined to be her noblest, fairest, best. And it drew from every country under heaven, with unexampled rapidity, to the Pacific coast of the United States, such a numerous and extraordinary population as the sun had scarcely ever before looked upon; whilst all the monetary relations of men and peoples appeared to be on the eve of such prodigious perturbations, as might possibly shake down all the most substantial erections of toil and financial skill that then existed. What was the net effect of these Californian gold discoveries may be remarked upon subsequently; but here we may say, that little of what was anticipated came to pass; and that, though tried by the discovery of still more marvellous gold regions in Australia, and by the unsettlement and interruption of a great European war, up to the present time [1855] the old foundations of commerce have not been seriously disturbed.

On December the 4th, 1848, the second and final session, under Polk's Administration, of the thirtieth Congress, commenced. On the 5th, the President sent to the two Houses his last and longest Message. This remarkable state-paper spoke of "advantageous treaties of commerce" concluded with New Grenada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. It praised Great Britain for "pursuing our example," and relaxing its restrictive system;—Great Britain all the while innocently enough considering that she had taken the lead in the experiment of Free Trade, and being often disposed to chide America for not imitating her. It lauded, with more than the accustomed warmth of retiring Presidents, the institutions of the country.

After recording the termination of the war with Mexico, it spoke of the military strength of the United States, and boasted of their possessing "virtually a standing army of two millions of armed citizen-soldiers;"—the navy,

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and the organization of those branches of the Executive which had been charged with the conduct of the war, were also warmly eulogized. Reviewing the territorial acquisitions which had been made during his Administration, Polk declared that they amounted to more than half as much as the entire United States' territory at the time of his accession to the Presidency. And, he added, it would be difficult to calculate the value of these immense additions to the area of the country.

He said this in part because he had to announce the discovery of the incalculably rich gold-mines of California; and in part because it afforded so prodigious a field for the expansion of the population of the States, and gave to the Union so commanding a position upon both the great Oceans that extend to both the poles. And, with a full sense of the lustre which these events shed upon his own name, he said,—“The acquisition of California and New Mexico, the settlement of the Oregon boundary, and the annexation of Texas, extending to the Rio Grande, are results which combined are of greater consequence, and will add more to the strength and wealth of the nation, than any which have preceded them since the adoption of the Constitution.”

Into the question of Slavery the agitation of “the Wilmot Proviso” invited him to enter, and, without naming it, he pronounced against it, and in favour of a Compromise which would have been wholly in favour of the South;—namely, the extension of the Missouri Compromise line from the western border of Texas to the Pacific Ocean.

Under the head of finances, the Message stated that the last year's receipts had fallen little short of thirty-five millions and a half; whilst the expenditure had mounted up to nearly forty-three millions of dollars. But the receipts of the next year were estimated at above fifty-seven millions; and the total expenditures at nearly three millions less: and hopes were held out that the ordinary peace expenditure would not amount to so much as twenty-nine millions. After a panegyric on the new Tariff, the public Debt was mentioned,—and the amount was stated to be more than sixty-five millions and three-quarters of dollars. And, with an essay on “the American System,” and a defence of the Veto-power intrusted to the Executive, the words of President Polk were ended.

Brief as this session of Congress was,—for it extended over no more than three months,—and although it immediately preceded an election, there was much business transacted. But little way could be made with the organization of the newly-acquired Territory, on account of the want of harmony between the two Houses of the Legislature. A decided majority of the Representatives was in favour of “the Wilmot Proviso;” and an equally decided majority of the Senate opposed to it; so that, had very prompt and vigorous action been required, either some new *Compromise* must have been resorted to, or affairs must have come to a dead-lock.

So rapidly had California been peopled, by the operation of that “*auri sacra fames*” which is only *not universal* in the human breast, that Senator



Douglas proposed, and even brought in a bill for the purpose, to admit it as a State into the Union, without subjecting it to the customary preliminary "*Lehrjahre*" and "*Wanderjahre*" of the different grades of Territorial government. But though both Louisiana and Texas were cited as precedents, the Judiciary Committee reported against the scheme; whereupon the undaunted Senator drew a new bill, in accordance with the intimation of the Committee, and by it proposed to establish both New Mexico and California as new States at once, and to leave the people of them to determine whether or not to allow slavery there for themselves; but this plan met with no more favour than the former, or than three other bills, all devised for the solution of the difficulty; it was rejected by a very strong vote at the very outset.

It is hard to say why the Senate should have been so persevering in its resistance of "the Wilmot Proviso," unless it were that, being composed of the representatives of States' governments, it did not properly rate the sovereignty of the citizens composing the States. And yet they might have been instructed by such an incident as the following. On December the 13th, Senator Benton, whose pro-slavery principles none could question, presented a petition from the people of New Mexico, praying for a Territorial government, and against the dismemberment of their territory in favour of Texas,—and, wonderful to tell, *against the introduction of domestic Slavery!* Still more remarkable, the motion to print this petition was carried by thirty-three votes against fourteen, and Benton was one of the majority!

Finding it quite vain to expect the passage of a bill for the purpose of organizing the new territories, an effort was made in the Senate, by means of the unregulated liberty of appending any measure in the form of an amendment to any other measure whatever, to carry a scheme for extending the revenue laws over California and New Mexico and the Constitution of the United States, with all general laws applicable to the case; which having been adopted by a small majority, the House further amended the bill, saddled with this strange burden, by adding to it the favourite "Wilmot Proviso." Fresh debate arose upon this phasis of the affair, and the original measure—a civil and diplomatic appropriation bill—was in imminent hazard of not being carried at all, to the jeopardy of the public service. But at length, at 5 o'clock on Sunday morning, March the 4th, 1849,—the Senate having been preserved from *complete disorganization* by the tact and influence of Webster,—both Houses withdrew their amendments, and the bill passed; the Senate at the same time passing a bill for extending the revenue laws to California, which had already been through the House of Representatives.

Connected with the real point at issue in this struggle, we may remark the reëappearance of the question of the Abolition of Slavery in the Federal District, over which Congress held absolute legislative sway; which, when introduced this session by John G. Palfrey of Massachusetts, was rejected by no greater a majority than eighty-one against sixty-nine in favour of it; showing a clear advance in public opinion, and predicting a satisfactory result before long.

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Among matters of considerable moment discussed now were schemes for the construction of railroad communication between the eastern and the western oceans; rendered vitally important by the disclosure of *El Dorado* on the shores of the Pacific. Many plans were spoken of, but at this time the only one that was seriously entertained was the construction of a railroad across the Isthmus of Panama, so as to reduce the distance of California from the Atlantic States from some seventeen thousand miles (which was the length of the Cape Horn line) to less than six thousand miles. The overland route, as the next chapter will show, though the distance was so much less, was in the existing state of communication the least practicable of the three.

As soon as the Southern Members perceived the pertinacity of the House on "the Wilmot Proviso," and the growing minority in favour of making the soil of Columbia District free, they felt that their "domestic institution" was in danger; and summoned a convention, the first meeting of which was held in the Senate chamber itself, on the 23rd of December, sixty-eight Members of Congress being present. A series of resolutions based on the Virginia resolutions of '98 were introduced by Thomas H. Bayley, and referred to a committee; and, on the 15th of January, John C. Calhoun, who was chairman of this committee, reported an Address of the Southern Delegates to their Constituents, which, after reciting the constitutional provisions regarding slavery, and the alleged violations of the constitutional rights of the Slave States under the Instrument of government, by the Free States, called upon the South to present a united and immovable front, and to be ready "to defend their rights,"—which, alas! were, every one of them, the wrongs of the African race.

Nearly ninety Members attended this second meeting, and at a third meeting, on January the 22nd, a smaller number being present, Calhoun's Address was adopted, in opposition to one "to the People of the United States," submitted as a substitute for it, by John M. Berrien of Georgia, and was signed by forty-eight Members—only two of them being Whigs. And the Convention adjourned *sine die*.

And now there remain to be recorded only the conclusion of a convention or treaty with Great Britain, for the improvement of the postal communication between the territories of the contracting parties, and the fact that slight changes were made in the heads of Departments in this and the preceding years, not, however, in consequence of any division in the camp, but because of the necessity of employing practised and reliable men on certain embassies, which necessitated the introduction of other distinguished or prominent adherents of the Democratic party into the vacated posts. When the story of the Mexican war has been related, and some general survey of the progress of the States severally been made, we shall be in a better position to estimate the character and influence of Polk's Administration on the history of the United States.

## CHAPTER II.

THE MEXICAN WAR.—MEXICO.—TEXAS.—HOSTILITIES COMMENCED ON THE RIO GRANDE.—BATTLES OF PALO ALTO AND RESACA DE LA PALMA.—CONVENTION OF MONTEREY.—EXPEDITIONS AGAINST CALIFORNIA AND NEW MEXICO.—EXPEDITION AGAINST VERA CRUZ.—BATTLES OF BUENA VISTA, CERRO GORDO, CONTRERAS, CHERUBUSCO, AND MOLINO DEL REY.—MEXICO TAKEN.—TERMINATION OF HOSTILITIES.—TREATY OF GUADALOUPE HIDALGO.

MEXICO has been an unhappy country all the while that her fortunes have been within the view of History. Possessed of a wide extent of productive soil; magnificently endowed as to mineral wealth; rich in its indigenous vegetation; having a diversified, but not unpropitious, climate; well supplied with internal water-communications; and not deficient in serviceable harbours along its lengthened line of sea-coast;—it might have supported a numerous, free, intelligent, and prosperous people. Yet, from the time that the fierce *conquistadores* from the Old World made themselves masters of “the halls of Montezuma,” it has been such a scene of bondage, degradation, intestine contest and treachery, of wasted blood and treasure, of means and opportunities neglected and perverted, that we wonder to find its name still inscribed in the catalogue of nations.

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At the time when Christopher Columbus first landed on the shores of the western world, and, claiming the newly-found lands in the name of the Most Catholic King, imposed upon them the double yoke of a despotic monarch and a cruel church,—Mexico was under the rule of a sovereign of the Aztec race, which, about two hundred years before, had established itself in Tenochtitlan, having at a more remote period immigrated from Aztlan, on the north of the Gulf of California. Columbus himself never touched the continent of North America, nor was it till thirteen years after he had, on his last voyage, approached it, at the peninsula of Yucatan, that the coast of Mexico was reached and explored. Two years afterwards, Hernan Cortes disembarked at the spot where Vera Cruz stands; the Aztec monarchy, with its strange forms of civilization, and its bloody rites of religion, was soon overturned; and Mexico became a province of the Spanish Empire.

Readers of Prescott's History know by what a process this conquest was effected, and with what narrow-minded jealousy the Ruler of all the Spains governed the country which had enabled him to take the foremost place amongst the sovereigns of Europe. When the hostility of Napoleon Bonaparte completed the ruin of the royal family of Spain, which his friendship had begun, a new class of troubles showed themselves in Mexico. The rivalries and enmity which had been promoted amongst the different races, all



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of whom had been kept in total ignorance of the habits of self-government, without which all government is impossible, manifested themselves in the most destructive manner. Two Popish priests, Miguel Hidalgo y Castilla and Jose Maria Morelos, distinguished themselves as leaders of popular parties and of armed insurrectionists. In 1813 the Independence of Mexico was declared by a body which assumed the name of the National Assembly. Two years afterwards, Morelos was captured and shot; and the viceroy succeeded so completely in restoring the authority of the Spanish crown, that Mina, the partisan leader of Spain, not only was unable, in 1817, to accomplish any thing in furtherance of the revolt, but lost his life in the attempt.

But three years later the adherents of the Spanish cause were themselves divided into two parties, Royalists and Constitutionalists, and the opportunity was afforded to Augustine de Iturbide to issue, in February, 1821, the well-known "Plan of Iguala;" and in the month of May, in the year following, to have himself proclaimed as Augustine I., Emperor of Mexico. Matters went so ill with him, that in less than a year he abdicated and withdrew to Europe, and Mexico was declared a Federal Republic, the old Departments being turned into States, with a constitution that was copied from that of the United States.

Into the dreary history of *pronunciamentos*, with their accompanying civil contests, proscriptions, and flights, which now commenced, it is not our intention now to enter. It will be sufficient to say, that, at the time we have reached in our general history, Santa Anna, who had been the most successful of the combatants for power, was a refugee in Cuba, having never recovered from his defeat and capture at San Jacinto; and Herrera was President, but grasped the reins of power with a most uncertain hand, being suspected of a disposition to compromise the Texas question with the United States, and having as an antagonist General Paredes, who was popular with the nation and the army alike.

Of Texas and its affairs we have spoken from time to time in our former Books; but a summary of its history till the Annexation will, in conjunction with this sketch of Mexico, enable us better to appreciate the justice and necessity of the war,—the story of which is now to be related. When we spoke of Moses Austin, the first American colonist of Texas, we did not say, in explanation of the singular fact of his being permitted to settle in the territory of Spain, that he and his followers were understood to be Roman Catholics, who could not freely practise their religion in the United States. And we left to the imagination of our readers the perplexity of the Mexican government, when they discovered that through the opening thus made in the jealously-guarded fence of the province a numerous and hardy horde was entering, whose habits had been formed on the very outermost verge of the civilized world; who had been accustomed to be a law unto themselves, but especially upon the principle "*sic volo, sic jubeo*," and who generally enforced obedience to their will by a summary appeal to their unerring rifles.

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How far there was an understanding between the government of the United States and the immigrants in Texas, respecting the ultimate design of the occupation of that country by American citizens, we have no means of knowing: nor is it, in fact, needful to suppose any such collusion; for every settler there had left kinsmen and associates behind, with whom he was in the closest relations, and they all were possessed by the idea, originated by Jefferson, and carefully maintained and handed down amongst the traditions and beliefs of the pure Democrats, that the boundary of Louisiana to the West was,—not where the Treaty of 1819 placed it,—but at that one of the rivers flowing into the Gulf of Mexico, (say the Rio Grande del Norte,) which would give to the United States as wide a claim as they could possibly hope to realize.

None, however, can doubt the existence of collusion as soon as the settlers had definitively revolted against Mexico. We told how General Gaines received orders to enter the territory of Texas, under pretext of observing a treaty with Mexico, for mutual aid against incursions of Indians, (the occasion being found in some petty outrage, real or pretended,) but in fact to afford countenance to the Texians,—which was most effectually done. And we intimated the allowance of filibustering expeditions, in spite of all representations on the part of Mexico. These hostile preparations were made in the most open manner; and the newspapers themselves were employed to give greater publicity to them. The victors at San Jacinto, including General Houston himself, were, for the most part, not Texians but filibusters.

And this will not surprise those of our readers who observed with us the remarkable proceedings of General Jackson, when he was in command in the South; whilst that officer's conduct in relation to Arbuthnot and Ambrister, whom he put to death, (inventing "an established principle of the law of nations" to vindicate the sentence,) the universal outcry against a "British" officer, whom they named *Colonel Nichols*, who was alleged to have assisted the Indians and fugitive slaves on the Apalachicola, to the great grief of their Georgian neighbours, and, above all, the trial and sentence of Aaron Burr, who had filled the exalted part of Vice-president of the United States, having lost that of President only by a *ruse*,—whilst these instances will sufficiently show, that not in ignorance of the ethics of the question, were such proceedings in relation to a friendly (if not allied) state, or, at the least, to a state not at war with the Union, permitted to pass unrebuked. We cannot doubt that the *weakness* of Mexico was the cause, on its side, of the adoption of this line of policy towards it; just as, on the side of the United States, it was a manifestation of that appetite for extension of territory, which Jefferson's acquisition of Louisiana first gave activity to, but which had been expressed before that by longings for Florida, and Cuba, and New Orleans, and the command of the Gulf of Mexico.

Our limits do not allow us to quote the numberless passages from contemporary authorities, speeches, journals, &c., which show that the moving impulse in these efforts to annex (*re-annex*, some said, disclosing their conscious-

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ness of the immorality of the deed, by their anxiety to secure for it a moral designation) Texas was the necessity of securing some fresh area of slave-soil, (they called it extending the "area of freedom,") if the slave-holders were not to be utterly ruined by the unprofitable nature of the investment of their capital, and if the slaveholding interests were to maintain their supremacy in Congress. That such was the fact we have already said, and we recall it here, that our survey of the Mexican war may be complete.

For a detailed account of the movements by which the annexation of Texas was accomplished, we must refer to the foregoing pages of our history, wherein they who are so minded may discern, not obscurely at times, through the outside facts, the intrigues and schemes by which they were shaped and directed. The latest of all will serve as a specimen of the whole series. Finding himself falling in public esteem continually, President Tyler resolved to make a grand stroke, and reinstate himself so firmly thereby as to secure his reelection to the Presidency. He therefore pushed on the Texas affair, and had the question of annexation proposed in the Senate of the United States. In that body the representatives of Northern interests were too strong to suffer a treaty of annexation to pass; the Constitution was therefore violated by the employment of forms, devised under it for other objects, and a joint resolution of the two Houses—which a bare majority could carry, and which as a *salvo* to the consciences of the dissidents invested the President with the *discretionary* power of annexing the coveted territory by resolution, or by treaty, well knowing that the former method would be employed—rendered the provisions of the Constitution nugatory, and usurped the treaty-ratifying power of the Senate.

Polk had been chosen to succeed Tyler by virtue of his "pronouncing" for "the reannexation of Texas and the reoccupation of Oregon," and many of his adherents regarded Tyler's haste in pressing forward the Texas affair as an infringement of their leader's honour. Others, better informed respecting Polk's designs, willingly gave to Tyler the barren honour of having carried the measure for annexing Texas in the last hours of his administration; and they afterwards, in the same spirit, imitated their chief in receding from their claim of "fifty-four—forty" on the Oregon question. There was a grander prize than Oregon or Texas, or both together, in view, and to the attainment of that the whole energy of the new Administration was bent. This prize was nothing less than California and New Mexico; or the prolongation of the northern line of Texas to the Pacific, by which a tract of above six hundred and fifty thousand square miles would be added to the territories of the Union,—not far short of equalling the area of the entire Union as it was constituted by the Treaty of Versailles, in 1783!

But we shall be attributing to President Polk greater praise (or greater blame, as the other parties may deem it) than he is entitled to, if we leave our readers to suppose that by his own strength of will alone, and having no other "base of operations" than the menace of regarding the annexation of Texas as a *casus belli*, he was enabled to plunge the country into hostilities



with Mexico. Presidents of the United States are subject to the same influences that constrain the executive officers of other states to follow what may be called the *national* policy; to which not even the Autocrat of all the Russias is superior.

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When Mexico first rebelled against Spain, who so forward as the leaders of parties in the United States to encourage it? For was it not a consequence (late, truly, yet a consequence) of their own assertion and realization of independence? And could it fail to weaken European power in America? And had not Spain opposed their own struggle for liberty, and been slow to recognise them as victors? But when Mexico, having achieved its independence, appeared in the character of sovereign of that tract of country on the southern seaboard which they had always coveted, the aspect and relations of the acolyte of freedom towards them could not but experience a very sensible alteration. And if we were to attribute to the abolition of slavery in Mexico (that honestly accepted corollary to the establishment of political independence there) an unfavourable effect upon the regards of the South towards it, who could convict us of error?

To go back no further than the Administration of Jackson, in his Messages we can distinctly trace the uprise of a feeling of unfriendliness with respect of Mexico. And under his directions was began a series of "reclamations," of the kind that can end only in war or in subjugation without war. "From the first existence of the Mexican Republic outrages upon the persons and property of American citizens were frequently committed by the Mexican authorities, and redress either positively refused, or delayed until the delay amounted to a refusal." Thus does one historian of the war sum up this part of the subject, employing the official language which had been adopted on account of its two-fold effect—the annoyance of Mexico, and the irritation of America against it. Although honoured by the precedent of the Declaration of Independence, it would be a real advance in civilization if governments would carefully abstain from vague and declamatory language, and not attempt to give undue colour and importance to facts or allegations by using these "great and swelling words of vanity." We *are* beginning to regard as *suspect* governments which attempt to push forward their designs under cover of such phrases as these. The reasonableness of these remarks will soon be apparent.

One fact, which we did but allude to before, will exactly mark for us the stage already reached, when Polk took the reins of the government in hand; and it will satisfactorily show the reason for his ability to commence warlike operations without the least delay. In December, 1841, Commodore Jones was despatched with a squadron into the Pacific, and was especially instructed to keep one or more vessels off the coast, and within the Gulf of California, (then a province of Mexico,) and to direct the officers of them to examine and lay down on their maps the position, &c., of any bays and harbours they might visit. It was at the very time when Tyler's Administration had pledged itself, beyond power of receding, to secure Texas for the extension and con-

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firmation of the failing Southern interests ; and when the invention and circulation of the most ridiculous and improbable *canards*, for the purpose of arousing public feeling to the requisite pitch, assumed the magnitude and moment of official duty.

What *secret* instructions were given to Jones cannot be known ; but we know that when he was at Callao, in the autumn of 1842, he happened (so it was said) to see in an American newspaper a statement that Great Britain had purchased California of Mexico ; wherefore, attributing to the Pacific fleet of Britain the design of seizing the alleged purchase, he at once made all sail for that region, entered the harbour of Monterey, hoisted the American flag, and took possession of the place and the country in the name of the United States,—at the same time distributing *printed proclamations in the Spanish language*, (his possession of which has never been very satisfactorily accounted for,) explaining the design of his proceedings, and inviting the active assent of the inhabitants ! Jones was not long in discovering that his zeal had passed beyond the verge of discretion ; but America was strong and Mexico was weak, and the great Daniel Webster (as we related before) was Secretary of State ; and so this unparalleled act was slurred over, as not being intended as an “ indignity to the government of Mexico, or any thing unlawful to her citizens ; ” and the President went on, as before, assuring Congress and the universe that Mexico had offered endless outrages to the flag and the citizens of the United States, and had absolutely refused both redress and indemnity.

Two other points claim notice here. When Texas declared itself independent, it naturally enough announced what its boundaries were ; and equally naturally, since there was nothing whatever except its own moderation to determine what was the line between it and Mexico, it pushed its limit on that side as far westward as it *knew* the United States wished ; that is to say, to the Rio Grande. And the United States—well knowing that the tract between the Nueces and the boundary they claimed *never* had been included in the territory of Texas, and was actually, as it always had been, occupied and governed in allegiance to Mexico, and that the Texians’ claim to that tract was no better than an insolent *contresens*—annexed Texas, expressly leaving its limits on the west undetermined, as if in right or reason the claim to the Rio Grande could be entertained. Had Mexico been *willingly* dismembered by the “ reānnexation ” of Texas, who does not perceive herein a certain cause of quarrel ?

Mexico, however, was not willing to be dismembered ; and this is the second point to be noticed here. Jefferson had *bought* Louisiana of Bonaparte ; Florida, which Spain, repeatedly besought, as often refused to sell, had been acquired by the combined pressure of claims for “ indemnity on account of spoliations,” and authorized filibusterism,—Spain reluctantly consenting to “ cede ” the province to the United States, which was already in possession, in consideration of the government’s liquidating those same claims. The same tactics were resorted to in the instance of Texas, coloniz-

ation with ulterior objects in view being added to filibusterism and offers to buy. As early as 1827, under the Administration of John Quincy Adams, the American minister was instructed to offer Mexico a price for its territory to the Rio Grande; a much higher offer was made on the accession of Jackson; and the next ambassador pressed not only for Texas but for the sale of the whole of Mexico north of the Rio Grande and the thirty-seventh parallel! New Spain showed the same unwillingness as Old Spain to part with its territory by bargain and sale. But the United States' government appears to have considered this *offer to purchase as constituting a valid claim to the territory in question*, which it was then and therefore justified in acquiring by any means whatever; the right of Mexico to decline the offer being entirely ignored! We have lived to see Cuba claimed on precisely the same ground, and the acquisition of it attempted simultaneously by filibusterism and negotiation;—these views have, therefore, a living and practical interest for all citizens of the United States.

Preparations for the annexation of California had long been making, in the same manner as had happened with Texas. American settlers, actuated by the same marvellous instinct as led so many into Texas, and before that into Florida, had flocked thither in numbers sufficient to give promise of the repetition of the process that had been so successful on the Gulf of Mexico. And lest they should, on account of their remoteness, fail to act with such promptitude as the occasion should demand, in May, 1845, when Polk had been in office only two months, Captain (soon afterward Colonel) Fremont, with a retinue of sixty-two men, was despatched beyond the Rocky Mountains, on a *scientific* exploring expedition. And, soon after this, instructions were sent to Commodore Sloat, who commanded a squadron of five vessels in the Pacific, the effect of which was to keep him hovering off the coast of California, exactly as if he expected that his force might be wanted there,—although it was a part of the Republic of Mexico.

We spoke of the vague declamation in the President's Messages, so early as 1836, about "spoliations and outrages" committed on the persons and the property of citizens of the United States by Mexico, for which redress was in fact refused; of these we must now speak. At that time there was forwarded to the Mexican government through the American ambassador, Powhattan Ellis, a list of fifteen (no more) cases, accompanied by this most remarkable admission,—that the government "was not in possession of proof of all the circumstances of the wrong done" in these cases.

There was not one of them in which the Mexican government was directly implicated, nor one for which the usage of nations had not determined an immediate, equitable, and certain mode of remedy, either in the national courts, or in the appointment of commissioners. And the elevation of such matters to diplomatic importance, by the threat of appeal to the *ratio ultima*, except in the notorious instance of the demand of indemnity for some Don Pacifico being extorted from Greece, by the blockade of the Piræus by the Mediterranean fleet of Great Britain, (which most probably was an imitation of this



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Nevertheless, the Mexican government took the cases into consideration, promised indemnity in all cases where it was due, and gave sensible and dignified answers to every charge, including three more which, by way of proving the existence of "*accumulated wrongs*," the ambassador had appended to the catalogue sent by his government. And the rejoinder made by Ellis to this exceedingly temperate and conciliatory reply was the demand of his passports, and the menace of immediate war! And General Jackson allowed this to be done, although he admitted in a letter to the governor of Tennessee that offences of such a character as to involve the right of appeal to arms "*did not* seem to have been committed by Mexico!"

This was in 1836-7; not discouraged, however, by this, nor manifesting resentment, Mexico proposed to settle these claims by arbitration; and after many delays, and proceedings which would require more space than we can spare even to characterize them, in 1842 the arbitrators had gone over every claim presented to them, and this was the result. Compensation was claimed for damages assessed by the alleged sufferers at nearly twelve millions of dollars. But although there was abundance of time, and every facility given, above three millions and a quarter of these claims were never submitted to examination. About a million of dollars' value was referred to the Umpire, and not settled by him because the Commission was dissolved before he had considered them; above five millions and a half were disallowed by the Commissioners or the Umpire, and of the whole enormous amount that had been alleged at first, only *a little more than two millions* was in the end allowed! That is to say, about three-quarters of the amount originally claimed was absolutely rejected as not due! And yet the United States' government continued its vague declamations respecting "*accumulated wrongs*," "*spoliations*," "*outrages*," &c.

Out of the arrangements made for the liquidation of this debt, which, though so greatly reduced, was more than Mexico, with her disturbed finances and failing credit, could pay, new means of irritating that country arose. There were also *counter-claims*, which were not taken into consideration, and which would have reduced the amount left unpaid. But it is impossible within our limits to afford anything more than hints of the means by which, regardless of even the appearance of being in the right, the successive governments of the United States, both Democratic and Whig, continued to press upon Mexico, for the purpose of compelling the consent to dismember its territory for the aggrandizement of a neighbour already of overpowering strength;—and, we must add, ultimately for the promotion and extension of *that interest* of that neighbouring nation, which true aspirants for Freedom would last of all desire even indirectly to serve.

General Almonte, the Mexican minister at Washington, as we related in the last chapter, no sooner heard that Texas was virtually annexed to the United States, than, on the 6th of March, only two days after Polk's inauguration,

he demanded his passports. And, in the beginning of the following month, the Mexican government refused to hold any further diplomatic intercourse with the American ambassador, on the ground that the annexation of Texas was an act of war against Mexico.

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Polk's first plan of action seems to have been to despatch General Zachary Taylor, with the "army of occupation," as it was called, to the western frontier of Texas (not to the *Rio Grande*, however, yet); and, thus having secured the safety of that acquisition, to attempt by negotiation—under the stimulus of the upshot of Fremont's *scientific* research and Commodore Sloat's squadron, with the home squadron that lay off Vera Cruz,—the purchase of California, with (perhaps) New Mexico also. And for this purpose it was necessary to restore diplomatic intercourse between the two governments, which had been broken off entirely since the spring. By means of the American consul at Mexico, or at his suggestion, it was ascertained that the Mexican government was not unwilling to receive a commissioner invested with full powers to settle "the present dispute," evidently meaning the Texas affair; whereas, Polk had offered to send "an envoy, intrusted with full powers to adjust all questions in dispute between the two governments." And with the utmost expedition he despatched John Slidell, as "envoy extraordinary and minister plenipotentiary," not even waiting for the confirmation of his appointment by the Senate.

In the difficult position of the Mexican government at this time,—for, as we stated above, Herrera was tottering in the Presidency,—the people mistrusting him on account of his strong desire to avert war, and the army preferring or corrupted by Paredes, and the appearance of Slidell at Vera Cruz (whence the squadron was withdrawn) a month before he was expected, seriously embarrassed the enfeebled administration. Nor was this the only difficulty, for Slidell's credentials presented him in a very different character from that in which the Mexican government had declared that they would receive an ambassador from the United States. And to add to their trouble, the envoy conducted himself with the most discourteous impatience, although, as he informed Polk in one despatch, the Mexican government was believed to be "really desirous of entering frankly upon a negotiation which would terminate all their difficulties with the United States."

The tottering administration of Herrera, thus rudely assaulted, fell before the long-feared *pronunciamento* of Paredes, who, at the beginning of the new year, 1846, entered Mexico, nominally as President, but actually as military dictator, and immediately organized a government to carry on affairs according to his scheme of politics and external relations. It had been already decided by the former cabinet (for Slidell refused to wait the decision of the Mexican Congress, which would assemble in January) that he could be received only as a commissioner to treat of the questions relating to Texas alone, and that when that affair was arranged the ordinary diplomatic intercourse could be renewed. And the hasty envoy had declared in reply, that "the annals of no civilized nation presented, in so short a time, so many

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wanton attacks upon the rights of person and property as had been endured by the citizens of the United States from the Mexican authorities,"—an averment which convicts him of scanty acquaintance with the annals of civilized nations, or of employing the language of the mass-meeting in the service of diplomacy. The new government did not show any greater willingness to admit him in the character his credentials gave him than the old one; yet he did not all at once leave the country, although he had been so peremptory respecting an immediate reception.

For, in fact, as soon as Herrera's government was overturned, (as says Ripley,) but, more truly, before that fact was known at Washington, the order was sent to General Taylor, who had remained at Corpus Christi, (the last post on the real western boundary of Texas, better known as *Kinney's Ranch*, a station for smuggling slaves and other contraband articles of traffic into Mexico,) at once to march to the Rio Grande, and the Gulf of Mexico squadron was increased;—it being hoped that under the pressure of such an invasion the purchase of the coveted territories might yet be negotiated; Slidell having with him a new batch of claims, amounting, with the arrears of the formerly allowed claims, to some six millions; and being authorized to offer the Mexican government the liquidation of these claims, (though not in full,) and twenty-five millions of dollars for California and New Mexico, or five millions for the latter. And to give full effect to this double attack upon the integrity of the country, he remained in Mexico till the end of March; when, receiving from the new minister of foreign relations a similar reply to that he had received from Herrera's cabinet, accompanied with a counter-statement of wrongs and injustices alleged to have been committed by the United States against Mexico, together with information of the invasion of Mexico by General Taylor, which was a *casus belli*, Slidell demanded his passports and departed. But, it must be well observed, *Slidell was actually neither received nor rejected*; Mexico having consented to receive a commissioner to treat of the Texas question, and abiding by that consent, whilst the United States despatched a plenipotentiary to buy California and New Mexico, which Mexico had never undertaken so much as to consider. The blame of the rupture at this point cannot rest with Mexico.

General Taylor was commanded to march to the Rio Grande on January the 13th, 1846; but not till the 8th of March did he set out. At the Colorado a Mexican officer with a handful of men met him, and announced that his further advance would be regarded as a declaration of war; but no resistance was offered, and the army advanced on Point Isabel, or Brazos St. Iago, which might serve as a depôt and base of operations, and reached it on the 25th. The authorities set fire to the place as he approached, and Taylor,—who had been ordered to leave it to Mexico to strike the first blow, (for, claiming the Rio Grande as the limit of Texas, Polk affected to consider this advance no *invasion*,) and who was not able to interpret the presence of armed Mexicans in a country where neither American nor Texian was met with, except in his army, as an act of hostility,—was disposed to consider this conflagration one,



and hoped now to be released from his obligation to continue on the defensive. On the 28th he arrived at the Rio Grande, opposite Matamoras, where he planted the American flag, and entrenched his camp. The Mexicans on their side of the river erected batteries, as Taylor did on his, and every preparation was made for a commencement of actual warfare.

The force under Taylor's command amounted to no more than three thousand five hundred men, and of these four hundred and fifty were left at Point Isabel, so that he had not above three thousand with him at the Rio Grande. These were about half of the regular army; and it appears evident that the President could scarcely have expected war, by the fact of his sending so small an army against a country like Mexico. Unless he anticipated the speedy accomplishment of the object of Slidell's mission, by this demonstration against the northern frontier of Mexico, which would of course be regarded as the advanced division alone, or was credibly informed that the Mexican forces disposable for the resistance of an invasion were so insignificant that Taylor's three thousand would largely outnumber them, we cannot acquit Polk of extreme rashness in commencing the war,—which he did on his own authority and responsibility, in opposition to the provisions of the Constitution, when he ordered the march upon the Rio Grande,—even though he did instruct Taylor to make requisitions on Texas and the next adjoining States for men and materials, in case of necessity. And that the President's designs and expectations were of this complexion is manifest, both from the intemperance of his War-Message (of which we shall soon speak) and from the facts, that in the month of July he renewed his overtures to the Mexican government, and that he attached a commissioner to the army of invasion, to prevent the least delay in treating, if the opposition of the Mexicans should cease. There were those, indeed, who looked upon those three thousand as simply *sacrificed*; and others who did not scruple to charge the President with having done so to rouse the passions of the United States to the highest pitch against Mexico, knowing that the blame could easily be averted from himself, because Taylor was a *Whig*! But this is incredible.

Most exaggerated reports at first were circulated respecting the numbers of the Mexican army stationed at Matamoras and in its vicinity, and afterwards they were as greatly underrated;—but it appears that there were not above three thousand in the town under the command of General Mejia, when Taylor sat down before it. But when he had been there a fortnight the command was intrusted to General Ampudia, (whom we saw at Mier, capturing after fierce fight that extraordinary band of filibusters who had a Xenophon amongst them,) who joined with about two thousand two hundred men. And, as if to demonstrate the hopeless feebleness of the government and the state, which all the arts, diplomatic and strategic, of the United States were now to be exerted against, two or three days after he had assumed the command he was superseded by General Arista, who reached Matamoras, with further reinforcements, on the 25th of April; but the first bloodshed in the war had occurred on the day before.

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Whilst Taylor was engaged in fortifying his position on the left bank of the Rio Grande, and waiting for reinforcements, many desertions from the army took place,—a circumstance arising mainly from the composition of the regular troops of the United States, and to which we must refer in another place; and two of his dragoons “had been seized and carried across the river by the Mexicans” on the first arrival of the army opposite Matamoras, but were afterwards liberated. He had been in frequent communication with the enemy too,—the Mexicans trying to induce him to enter into diplomatic correspondence, whilst he steadily adhered to his military character. And he had caused the mouth of the Rio Grande to be blockaded by the vessels which accompanied his transports to Corpus Christi, to the great inconvenience of the citizens and the garrison of Matamoras.

It had at first been announced that the appearance of any Mexicans under arms, on the left bank of the Rio Grande, would be regarded as *an invasion of the American territory!* But it was impossible to maintain that position, because all along the left bank not only were there various settlements and ranchos, all the inhabitants of which were Mexicans, but the local magistracies in subordination to three “departments” of Mexico, Tamaulipas, Coahuila, and Chihuahua, (as the United States’ own maps showed,) were established there likewise. It was Taylor’s object, in conformity with his instructions, to make the Mexicans strike the first blow, as we said; and it was with this view that he blockaded the Rio Grande. Intent upon this, he likewise ordered small companies of his men to scour the country round, expecting, not without good reason, on account of the temper and feeling of the army, that thus some collision would occur, and he should be released from his inaction.

On the 10th of April, the assistant quarter-master-general of the army, Colonel Cross, was “murdered at some distance from the camp by some roving banditti;” and Lieutenant Porter, who was sent out to look for him, and check such “banditti,” on the 17th attacked some Mexicans, and was attacked in turn and killed; only these were not the deeds of regular troops. But on the 25th, tidings having reached the camp that the enemy was crossing the river in great force, both above and below Matamoras, Captain Thornton was sent out with a squadron of dragoons to ascertain whether they had crossed higher up the stream. When above twenty miles from the camp, he, according to one account, was suddenly attacked, just as he and all his men had got within the corral of a rancho; but, according to another, having discovered some Mexicans on a hill, he immediately made a dash at them, and when he reached the summit found himself in a trap, the Mexicans, both horse and foot, in considerable strength, under General Torrejon, being in a field on the other side. However it happened, the result was, ten men killed and six wounded. Lieutenant Mason was amongst the slain; and Thornton was captured with the rest of the officers and men, in all about seventy. And thus hostilities commenced in earnest.

Immediately on learning the fate of the squadron, Taylor despatched his

requisitions on the governors of Texas and Louisiana for three thousand men from the former, and two thousand from the latter; made every preparation for reinforcing the detachment at Point Isabel, and for repelling an attack upon his camp; and joyfully forwarded to Washington the tidings that it was no longer needful to temporize, a sufficiently specious occasion for declaring war on the ground of the commencement of hostilities by Mexico having at last been found. And, had not this happened, three days later, the "camp" of Captain Walker, (one of the old Mier Expedition prisoners, who was collecting volunteers,) midway between Matamoras and Point Isabel, was attacked during his absence, and ten of his men (Texian Rangers, armed with revolvers) were either killed or missing. The Mexicans lassoed, or "lariated," some of the men.

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Leaving Taylor with the main body of his army to effect a hasty march for the relief of his depôt, and which was said to have been attacked, and to meet the enemy, who had now got into his rear, if he could, we may return to the seat of government, and observe what passed when the President learned that his offers to negotiate the transference of half Mexico to the United States, under the convincing argument of an invasion, had been met by obstinate refusal to listen; and that he could now charge the guilt of beginning the war upon the Mexicans, because they had forborne to resist the invasion of their territory until now.

The despatch from Taylor announcing that Captain Thornton's party had "become engaged" with the Mexicans reached Washington on the 9th of May; the military committees of the Representatives met in the morning, and the President's adherents in Congress held a meeting in the evening of the 10th, which was a Sunday; and on the 11th a Message (of great volume) was addressed to Congress, in which, after recapitulating the "accumulated wrongs" inflicted by Mexico upon the United States, (all which, however, might have been resolved into two,—she resisted the dismemberment of her territory by the annexation of Texas, and refused to sell California and New Mexico,) he said, reading events exactly upside down, "Mexico has passed the boundary of the United States, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are at war." Manuscript copies of the correspondence between the government and Slidell and Taylor accompanied this document.

The House of Representatives listened to the reading of the Message, and then, as if incapable of the effort of attending to the accompanying documents, refused by reiterated votes to listen to the correspondence. Instead of this, it resolved itself into committee of the whole, and proceeded to consider a bill drawn to enable the President "to accept the services of volunteers, and for other purposes," under "certain contingencies therein named." Which bill, it seems, had been reported from the committee on military affairs, about the end of the preceding January, and was intended to meet the expected collision with Great Britain about the Oregon Territory, as well as that which was preparing with Mexico, as we have seen, by the march



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of Taylor to the Rio Grande. This bill was read, and along with it the instructions given to Taylor by the Secretary of War, and the despatches received from Taylor after he had taken his post at Corpus Christi; and in *two hours* the debate in committee was terminated by the adoption of a bill, the preamble of which stated that "*by the act of the Republic of Mexico*" the state of war existed between the two countries; and the previous question having been moved, the debate was cut short. The vote which carried that preamble was a hundred and twenty-three against sixty-seven; and the vote which finally carried the bill (the previous question having once more foreclosed the debate) was a hundred and seventy-four against fourteen! And "the whole proceeding, from beginning to end, occupied but a small portion of a single day."

In the Senate the President's Message was referred to a committee, which, on the following day, the 12th of May, simply reported the bill which had been sent from the Representatives; and although, as Calhoun afterwards admitted, there was "*not a particle of evidence*" that Mexico had made war upon the United States, the bill was passed by a majority of fifty over two! This bill not only declared that the war existed by the act of Mexico, but, passing over all the unconstitutional proceedings of the President, placed both army and navy at his disposal, provided for the services of fifty thousand volunteers, and appropriated ten millions of dollars for the prosecution of the war.

"A kind of monomania pervaded the nation," says the authoress of the "Last Leaves of American History." "Their army was surrounded and in danger from the soldiers who had committed the massacres of Goliad and the Alamo." Certainly Congress appeared to labour under some delusion; but there is too great reason for believing that the panic under which fifty thousand additional troops were voted for the *defence* of the country, was (as one Reviewer of the war has said) "not real but feigned." Possibly they did consider that Taylor and his army were in peril; but they could not have been so ignorant of the facts, nor so blind to the rights of the case, as to subscribe to Polk's assertion that the Mexicans had invaded the territory of the United States, and shed American blood upon American soil; they must have known that the war existed in consequence of what the President had done, and that it was now undertaken, not for defence, any more than for the purpose of enforcing the redress of the "accumulated wrongs" of which we heard, but only to compel Mexico to dismember herself, that the territory of the United States might be extended.

That the Southern Democrats should regard this extension of territory infinitely desirable, and so vote *ex animo* for the war, is quite credible; not only their adhesion to the President would lead them to do so, but yet more forcibly their resolution to maintain their "domestic institution." This last motive would also prevail with the Southern Whigs, who, like the Democrats of the South, regarded slavery as the Palladium of American liberty. We can understand, too, how the Democrats of the North would give a party

vote in favour of the war which the Democratic President had commenced. But the votes of the Northern Whigs in favour of the war which the Democratic President had commenced, in order to procure new territories over which to extend the institutions of the South, so as to make the Southern interests in all respects supreme in the Union,—in favour of a war the measures leading to which they had denounced as “unwise and dishonest, and injurious alike to the interests and the morals of the country,”—these can only be explained by their hopes to stand well with the people at the next elections, whatever the issue of the war might be,—by their votes, if victory crowned the arms of the nation, and by their philippics against the President, if they were unsuccessful. The defence set up for them, that they could not vote for the bill without the preamble, and they did not think it right to refuse supplies, is rendered nugatory by their concurrence in the unusual and unbecoming haste with which the bill was carried; and yet more completely by their adopting another defence at the time, namely, that Taylor and his army were in jeopardy, and must at all hazards be relieved. The validity of this pretext the next events we shall record will show.

On the 13th Polk gave his approval to the war bill, which was supported and carried out by other bills—for increasing the rank and file of the regular army,—for organizing a company of sappers and miners, and for adding to the number of officers during the war,—for organizing the volunteers, &c.; all passed before the end of June. Mexico, on the other hand, as early as the 21st of March, announced by General Paredes to the American envoy, Slidell, that, “peace not being compatible with the maintenance of the rights and independence of the nation, he should defend its territory; while the national congress would undertake to declare war against the United States.” On the 18th of April he gave orders to that effect; and on the 6th of July the congress passed a decree “authorizing the government to use the natural defences of the country to repel aggression committed against many of the departments, and to make known to friendly nations the justifiable causes which obliged the nation to defend its rights by repelling force by force.” The preamble of an act for raising supplies thus expressed the feeling of the Mexican congress with regard to the hostilities which were then proceeding,—“The Mexican nation *finds itself* in a state of war with the United States of America,”—tacitly rejecting the *onus* of commencing the war, which the Americans endeavoured to fasten upon it, on the ground of various declarations of Almonte, Paredes, and others, before any encounter had actually taken place.

As soon as Congress had stamped “the President’s war” with the legislative approval of the nation, Polk and his cabinet proceeded to sketch a plan of the operations to be entered upon, in a manner which, to those who have followed the narrative we have given of what had hitherto been done, will clearly show that the *real* objects of the war were what we have said, and that the design of forming the “army of occupation” and sending it to the Rio Grande was what we have averred. By this plan an “army of the West” was to be raised, and to march under General Kearney from its ren-

CHAP. dezvous at Fort Leavenworth, on the Missouri, against New Mexico, and  
 II. thence westward to coöperate with the fleet, which was to be reinforced, against  
 A. D. 1845 California; and an "army of the centre," under General Wool, was to invade  
 to 1848. Coahuila and Chihuahua;—but these were to be subordinate to the main design, (as formed by General Scott,) which was, to penetrate into the interior by the line taken by Taylor, and perhaps from the coast, and to strike hard blows, and to repeat them until Mexico should consent to make peace on the terms which the United States' government should dictate.

But Scott, though general-in-chief, being a politician as well as a military officer, seems to have been suspected by Polk and his advisers of "organizing victory" for himself at the next Presidential election, rather than for the United States in Mexico, by his paper campaigns; and he was "set aside in a measure," as Ripley mildly says, and then matters were left mainly to Taylor's direction, with this remarkable "instruction:"—"Policy and force are to be combined; and the fruits of the former will be prized as highly as the latter." We shall see, as our story advances, how the plan grew; and how innocent of representing anything more than the very enthusiastic views of a patriotic citizenship of New York, is this grandiloquent paragraph from Emma Willard's "Last Leaves." "The American Executive, aided by the head of the War Department, and by General Scott, now sketched out, in two days' time, a plan of a campaign, exceeding, in the vastness of the spaces over which it swept by sea and land, anything of the kind known in history." Many, there can be no doubt, believed that history had nothing to equal this "plan of a campaign," and we cannot here undeceive them; we can only say that history has many surprises in store for such; nevertheless, credulity of this kind is the raw material of enthusiasm verging upon fanaticism.

Poor old General Gaines—who regarded himself as sponsor at least for Texas, because of his authorized *filibustero* march to Nacogdoches, of which we have heard—experienced a disappointment deserving notice here, as illustrating the habits of the country and of the government of the United States in a remarkable manner. He was in command at New Orleans when the war began, and as soon as the requisition from Taylor for two thousand volunteers arrived, he constituted himself a complete war department, called out a much greater number of volunteers, and speedily put *en route* for Point Isabel such swarms of half-equipped and wholly untrained volunteers, engaged for six months, as equally amazed both Taylor and the government at Washington. "Having thus commenced the business, and with his enthusiasm fairly aroused, Gaines proceeded to appoint officers of the line and staff, to call for an indefinite number of troops; and, in short, appeared about to raise an army on his own responsibility, and to invade Mexico without regard to the necessities of his troops, or the action of the government, except in so far as it was intended that the payment of expenses should be made through it. To put a stop to his embarrassing eccentricities, it was found necessary to relieve him from command." This happened in the beginning of June.

Meanwhile Taylor, leaving Major Brown to hold the entrenched camp



opposite Matamoras, without any such alarm at the danger of his position as the Northern Whigs in Congress felt or feigned for him, marched to the relief of the little garrison at Point Isabel. The Mexican commanders, regarding this retrograde movement as a retreat, (or affecting to do so, for Fort Brown, as they called the earth-work opposite Matamoras, was not evacuated,) crossed the Rio Grande in force, and occupied the road along which Taylor had marched. From the batteries on the right of the river they also commenced a vigorous, but not very hurtful, bombardment of Fort Brown; and at Matamoras they published bulletins that had as little foundation on fact, as if they had been concocted for the especial purpose of verifying the common saying about those documents.

From Point Isabel the cannonade at Matamoras could be distinctly heard, and the scouts informed the General that communication with Fort Brown was cut off. But he resolved, having put his depôt into a condition to resist any attack that might be made upon it, to force his way through the enemy, and to relieve those whom he left on the Rio Grande. Late on the evening of the 7th of May he left Point Isabel, reinforced, indeed, but yet having less than three thousand men of all arms with him, and being encumbered with a train of three hundred waggons, containing provisions and munitions of war, and of course, in the presence of a stronger force of the enemy, requiring a considerable escort.

At a spot called Palo Alto, (*Tall Timber*,) Arista, with about double the number of Taylor's army, and twelve pieces of artillery, had posted himself quite across the road, having both flanks covered by thickets of chaparral, and a reserve in his rear. At two in the afternoon the Americans came in sight, and the Mexican batteries opened upon them when within seven hundred yards' distance. Their artillery, as numerous as the Mexicans', and of larger calibre, replied with terrible effect; for, instead of fighting the batteries, as the Mexicans did, the Americans fired on the masses of the enemy, and, as in their rifle-practice, *aimed* before they fired. Pounded in this terrible manner, the Mexicans attempted a charge with their cavalry, but were thrown into confusion before they got near the Americans, and retreated; another attempt failed in the same manner. They were equally unsuccessful in endeavouring to turn the Americans' right flank; and an advance of their own right was met by two eighteen-pounders, which were placed so as to enfilade their line, and caused great slaughter. The American line was also pushed forward till it was parallel with the advanced position of the Mexicans; but, though Taylor told his infantry (few of whom had been in action before) that their "main dependence must be in the bayonet," they never charged during the whole of the engagement. About four o'clock the firing slackened, for the prairie took fire, and the smoke incommoded both armies. When night fell, both sides withdrew, but neither far from the battle-field.

Strictly speaking, the battle of Palo Alto was a "drawn game," for neither party was actually defeated; and, if General Taylor was not prevented from advancing, Arista was able to oppose him and engage him again on the fol-

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lowing day. But when the numbers are considered, and the losses on each side, the advantage is seen plainly to have been with the Americans, who lost only nine killed, forty-four wounded, (ten of whom afterwards died,) and two missing. The official return of the total Mexican loss was two hundred and fifty-two; but, as Arista abandoned the field of battle, and with it his dead and wounded, there is good reason for believing that, as the Americans said, it was nearly double that amount.

Uncertain respecting the dangers of the enemy, Taylor on the morning of the 9th resolved to park his train, and field-works were hastily thrown up for its defence. The wounded were collected and sent to Point Isabel, and a council of war was called. Arista, in the mean time, had fallen back on the road to Matamoras, and taken up a strong position on a ravine called the Resaca de la Palma, (or del Guerrero,) where he was reinforced by some two thousand men. As soon as this had been ascertained, Taylor put his army in motion; in the course of the afternoon, his skirmishers, advancing through the thick chaparral, came upon the enemy's forces. One battery was brought up to oppose them, and very speedily a charge of cavalry swept the Mexicans from their guns and broke their line on the other side of the ravine, in spite of one or more gallant attempts to retrieve the fortune of the day; while the infantry, now fighting as skirmishers, and now forming and resorting to the bayonet, drove the enemy before them in total rout. From all parts of the field the discomfited Mexicans rushed to the river, where numbers were drowned in the vain attempt to cross. Their camp fell into the hands of the victors, with all Arista's private papers. And the Rio Grande was established as the boundary-line between the United States and Mexico.

In this victory of Resaca de la Palma the Americans, with at most two thousand men, had completely defeated about three times their numbers. Their losses were thirty-three killed, and eighty-nine wounded, of whom eleven died subsequently. The Mexicans lost in killed, wounded, and missing, half as many as the whole number of the American army; and when the stragglers were all collected on the following day at Matamoras, "only a fifth of their original strength" appeared. "The salvation of this remnant was owing to General Taylor's not having made use of his victory. If he had pursued our troops," say the Mexican historians of the war, "and followed them across the river, it is undoubted that he would have completely destroyed them, and taken Matamoras without opposition." Such failures are common in all wars; and Taylor's scanty force, and the impossibility that he should know, what was in itself incredible, that he had destroyed the "army of the North," will account for his being contented with the accomplishment of his own object. His trophies were rich enough. He had as prisoners one general, one colonel, one lieutenant-colonel, four captains, and five lieutenants, besides rank and file. He had taken eight guns, two thousand muskets, five hundred mules, all the baggage and equipage of the army, and a hundred and fifty thousand musket cartridges. He had driven the enemy over the Rio Grande, and relieved Fort Brown.

Fort Brown, which had been left to its own resources by Taylor's retrograde march to Point Isabel, was of an irregular pentagonal form, spacious enough to receive the whole of the "army of occupation," as it then was, but garrisoned by five hundred men alone, and mounting no more than four eighteen-pounders and four light six-pounders. But it commanded Matamoras; and the Mexican works opposed to it were inferior to it in every respect, except the number and variety of their armament. On the 3rd of May Arista began his attack on the Fort; and, finding the fire of the eighteen-pounders superior to that of his own batteries, he confined himself, for the most part, to a vertical fire from his mortars, which was continued with greater or less energy till the 9th, when the chase of the fugitives from the Resaca de la Palma was carried so far that the pursuers found themselves within range of the guns that had been bombarding Fort Brown. The only change was an attempt to assault the Fort on the northern side, which was repulsed with complete success by the field battery; and a summons to surrender, *after* the assault had failed, which was received as such a blundering inversion of the proper order of proceeding deserved. The fort suffered very little from this bombardment, nor were the losses of the garrison severe, as to number, there being but one killed and nine wounded, of whom one, and he the gallant Major Brown who commanded the defence, and after whom the fort was named, died subsequently.

The 10th of May was spent by the Americans in burying the dead, and by the Mexicans in rallying a fraction of their force in Matamoras. An exchange of prisoners was also effected. Taylor next made preparations for passing the river; and took possession of a village on the right bank, some miles lower down. By the 17th every thing was in readiness; and Arista then proposed an armistice for diplomatic action about the boundary question, which Taylor brusquely declined, and next day crossed without encountering any resistance, and entered Matamoras; the enemy having finally evacuated the place early in the morning, carrying off eleven guns, the rest being spiked or thrown into the river. Their sufferings on this retreat were frightful enough, although the Americans did not pursue them for more than sixty miles and left them unmolested after the 19th; and on the 28th they halted at Linares, where General Arista was displaced, and the command given to Mejia.

We shall offer no criticism on the conduct of this campaign; General Taylor's laurels were honourably earned; with scanty forces and imperfect equipage he had utterly beaten at least three times his own numbers; however deficient his strategy had been, he remained victor. And for this result he was indebted not merely to the infinitely worse generalship of his antagonist, but to the superiority of his men in every soldier-like quality, and especially as marksmen, over the Mexicans.

As soon as the war began, the United States' government, "wise in its generation," prepared a means of annoying and weakening the enemy which Mexico was wholly unable to resist. General Santa Anna, as we said, was living as a refugee at Havanna; an officer of the United States' navy was de-



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spatched to him, with such instructions as the next movement will fully explain. On the very day that war was declared orders were given to the commander of the Home Squadron, then blockading the coast of Mexico, to allow Santa Anna "to pass freely," if he should "endeavour to enter the Mexican ports." For Polk and his cabinet well knew that, unless victory should invest Paredes with a factitious popularity, the suspicion that was entertained respecting the purity of his republicanism (apart from the circumstance that every one who could contrive to get up a *pronunciamento* considered himself entitled to be head of the government) would be sure to afford grounds enough for such internal contests as would enervate all opposition to the American army; and they expected that if Santa Anna should recover the dictatorship of Mexico by their contrivance, or help, gratitude would induce him to consent to dismember the country, and accept whatever terms they might please to offer.

And in fact it happened as they anticipated. For Paredes not being successful, after some obscure and uninteresting movements, a *pronunciamento* of Santa Anna's party took place at Vera Cruz, at the end of July, which prospered so, that on August the 5th Paredes was a prisoner. Information was speedily sent to the exile, who hastened to Vera Cruz, Commodore Conner "allowing him to enter without molestation" on the 16th; and at once took his stand upon the Constitution of 1824 against Paredes, and denounced the aggressive conduct of the United States. New offers had been made to the provisional government of Mexico to terminate hostilities and enter into negotiations; but, after sufficient delay to put Santa Anna at the head of affairs, the proposal was waived by a reference of the whole matter to the congress of Mexico, accompanied by such a discussion of the grounds for resorting to hostilities as showed a complete unwillingness to assent to the demands of the government of Washington.

Not till after the middle of July was any further advance into the undisputed territory of Mexico attempted by the American "army of occupation;" but its general was not idle. In fact his task during that period was more harassing than the conduct of military operations would have been. So enthusiastically did the country respond to Taylor's requisitions and the call of the government, especially after the tidings of the battles of Palo Alto and Resaca de la Palma, that many more volunteers flocked to his head-quarters in Matamoras than he could easily dispose of. Without equipment, without training, without discipline, possessed only of a sure aim, complete recklessness regarding danger, a keen appetite for plunder, and unimpeachable orthodoxy in their opinion of the war, it was often more than the commander knew how to accomplish,—the examination, reception, and organization of these too willing recruits. General Gaines' volunteers were discharged, *en masse*, as enlisted for an "illegal term of service." And besides this, he was chief adviser of the War Department at home upon the plan of the campaign.

"The Quartermaster's department, too, was one of incessant toil and anxiety; because, called unexpectedly and for the first time into active service in

the field, it was comparatively unprepared to answer the multitude of requisitions that were daily made upon it by the government, the general officers, and the recruits. The whole material of a campaign was to be rapidly created. Money was to be raised; steamers bought; ships chartered; waggons built and transported; levies brought to the field of action; munitions of war and provisions distributed over the whole vast territory which it was designed to occupy."

In the camp, too, there were, as always when an army in the field is not engaged in active hostilities, heart-burnings and grievances of every species discovered and invented. And the discipline of the "regulars," the "volunteers" being so very irregular, could not but be somewhat relaxed. Another element perfectly novel was "the Press;" correspondents of newspapers accompanied the army, with rifle on shoulder, or *en citizen*; and all the proceedings of the camp, and all the plans of the general, (or surmises concerning them, when knowledge was impossible,) were discussed in every journal throughout the nation, and debated whenever, at home or abroad, any number of the people happened to meet. And, in addition to this, there was at head-quarters, and it followed the army through the war, an actual *printing-press* for the use of the general and the staff! An improvement upon the old plans which does not appear to have been imitated by those whom most we should have expected to see doing likewise.

As soon as all indispensable preparations were made, on the 19th of July the word was given to advance. Reynosa, Camargo, Mier, and other important posts along the Rio Grande, and on the road to Monterey, were occupied. On the 8th of August, head-quarters were removed to Camargo, which was made the *depôt*, on account of its convenience for the reception of supplies and reinforcements by means of the river; land transport being almost impossible. Eleven days later the march from Camargo commenced, and it was continued without intermission, but without disorganizing haste, (notwithstanding which the discharges of the volunteers were numerous,) till on September the 13th, at Papagayas, the first appearances of the enemy were discovered. Their outposts retired upon Monterey as the Americans advanced, and Taylor's whole army was concentrated on the Rio San Juan, about five and twenty miles from Monterey, on the 15th; and three days afterwards approached the city.

Seated beneath the elevated ridge of the Sierra Madre, on the San Juan de Monterey, which is but a small stream, and surrounded by a fertile and tolerably well cultivated valley, Monterey, with its regularly arranged streets, its public buildings, (some of which were yet unfinished,) was a place of promise, as an *entrepôt*, or emporium, for the commercial intercourse between the coast and the interior. It had about ten thousand inhabitants at this time; but under the governments of Mexico, viceregal, dictatorial, republican, and revolutionary, improvement, such as the principal cities of the United States had displayed, was impossible.

General Ampudia, whom Santa Anna had invested with the command, was

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here with a force of more than ten thousand men, seven thousand of whom belonged to the regular army; and his stores of all kinds were ample. But these facts were doubted by the Americans. His dispositions for the defence of the place were characterized by ruinous vacillation, as well as by great want of judgment; but he did not boast the less, on these accounts, of the triumph he was about to achieve. From his head-quarters at Walnut Springs, Taylor made reconnaissances of the country round, as well as of the city and the works of the enemy; and the result was a determination to make a circular march with a part of his force, and cut off the communications of the place with Saltillo and the interior, by a road through a vast chasm in the mountains. This movement was intrusted to General Worth, who on the 20th took up a position quite at the foot of the mountains, opposite to a fortified hill called Loma d'Independencia, on the north of the river, and another like it, on the south, called Loma de Federacion. Meanwhile, as a diversion, an attack was made at the eastern end of the town, which, being converted into a real assault, ended in the capture of Fort Teneria, and an ineffectual bombardment of the citadel was attempted.

Next morning the attack commenced in earnest, and was continued during the 21st, 22nd, and 23rd of September; on the 24th the garrison capitulated. The battle of the 21st began with a cavalry affair, at the western extremity of the town, near the Saltillo road: successful in that encounter, and having accomplished his design of cutting off the communications of Monterey with the interior, Worth next determined to carry the fortress on the Loma de Federacion, south of the San Juan, which commanded the lower road to Saltillo. This, after a sharp contest, he accomplished.

The operations at the eastern end of the town were to have been confined to a diversion. But "what was designed only as a feint soon became a severe and deadly conflict. Our men—especially the volunteers, eager to flesh their swords in the first conflict with which the war indulged them—rushed into the city, which seems to have been amply prepared, in that quarter, with barricades, forts, loopholes, and every means of defence suitable for the narrow streets and flat-roofed and parapeted houses of a Spanish town. On they fought, from street to street, and house to house, and yard to yard, until night closed over the dying and the dead."

During that night, an attack was commenced upon the Loma d'Independencia, which terminated on the evening of the 22nd with the capture of the "Key of Monterey." At the eastern end of the town nothing of importance occurred. Wherefore, on the following night, Ampudia, who was sensible of the importance of the hill Independencia, advanced in force to attempt its recovery; but on his first meeting with the American picquets he was received so warmly that he gave up his design. On the following day, the 23rd, the assailants advanced from both extremities of the town, but "instead of risking life in the street, which was raked from end to end by artillery, or rendered untenable by the hidden marksmen, who shot our men from behind the walls of the house-tops, our forces were thrown into the dwellings, and



breaking through walls and enclosures gradually mined their way towards the *plaza*, or great square, of Monterey." CHAP.  
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It was on this day that the following circumstance occurred, which we relate in the words of an historian whose impartiality will not be questioned by those whose humanity is impugned by the fact he records. "During the cannonade which was maintained" from the forts Obispado and Soldato, says Ripley, "a flag was displayed at the foot of the Loma d'Independencia, the bearer of which conveyed to General Worth a communication from the governor of the city, asking permission for the women and children to leave the town; but as Worth had no authority to grant or refuse the request, he transmitted it to General Taylor. It was not received by him until late in the day, and, made at the period of the operations at which it was, was deemed inadmissible, and of course refused." A D 1845  
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Both attacks of the besiegers having answered their expectations, "it became evident to the Mexicans that their town must fall, and that if finally taken by the sword it would be given up to utter destruction and pillage. A capitulation was, therefore, proposed by Ampudia," early on the morning of the 24th, which "stipulated for the withdrawal of his forces, and an armistice." It was not without some discussion that the terms were arranged; but in the end the Mexican commander was allowed to evacuate the town, his troops retaining their small arms, and carrying with them one field battery of six guns, with twenty-one rounds of ammunition, and all the cavalry horses. The victors were to have all the other material of war in the town, and all the public property. Taylor's consent to a suspension of arms and to this capitulation was the more readily given, because Ampudia announced that he had been officially informed that Santa Anna (whose return and resumption of the conduct of affairs Taylor now first heard of) had agreed to receive commissioners from the United States, and had appointed commissioners on the part of Mexico, to negotiate a peace. Next morning the evacuation commenced, and on the 28th of September the whole town and citadel was given up to the Americans.

What the loss on the Mexican side was it is impossible to say; the estimate varied from five hundred to a thousand. The conquerors lost in killed a hundred and twenty-eight, and in wounded (of whom eighteen subsequently died) three hundred and sixty-eight. Their trophies were forty-two pieces of artillery and a vast quantity of military stores. But, better than all spoils, better even than the captured town and territory, was the *prestige* of invincibility which was thus secured to the American army of Mexico; and this imparted to this armistice which Taylor had concluded with Ampudia all the importance of a prelude to a definitive treaty of peace.

Leaving the victors and the vanquished for awhile at this point, let us see what had occurred in other regions of the seat of war, which in this instance stretched across an entire continent. No sooner were news of the commencement of hostilities on the Rio Grande received by the government at Washington than orders were given to General Wool to muster and prepare the

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volunteers to be raised in accordance with the Act of Congress declaring war. At the end of May he set out and, passing by Ohio, Indiana, Illinois, Kentucky, and Tennessee to Mississippi, met the newly enlisted volunteers at various stations along that route, inspected them, and admitted twelve thousand of them; who about the middle of July were ordered to join the army. About nine thousand of these were ordered to the Rio Grande, as reinforcements to Taylor's army; the rest rendezvoused at Bexar, in Texas, in readiness to march under Wool himself, as the "army of the centre," against Chihuahua. Nominally, this expedition was under the command of Taylor also; but as little was known respecting the country that was to be the scene of its action, every thing except its destination was left to its own commander, as if it had been intended only to coöperate with Taylor's army.

Setting out from Bexar on September the 20th, on the 11th of October Wool crossed the Rio Grande at Presidis, and after a march of twenty days, through mountain-passes and deserts, along which in many instances roads had to be formed before his train, which was immense in proportion to his numbers, could pass, and where the sufferings of the men were often very great, he arrived at Monclova. There he learned from General Taylor that Monterey had been captured, and that he had agreed to an armistice with Ampudia; and was also informed that the route, by which it was originally intended that he should reach Chihuahua, was impracticable for his train; whilst it was manifest that the conquest of New Leon and Coahuila, effected by Taylor, made the expedition against Chihuahua unnecessary. It was therefore resolved to abandon this design, and to post Wool's army, with the exception of a guard for the depôt at Monclova, at Parras; where it could be in communication with the rest of the "army of occupation," in which it was now merged.

The command of the "army of the west," which was raised principally in the State of Missouri, was given to Colonel Kearney; who, with a force amounting to less than two thousand men, some of whom were "Mormons who were preparing to emigrate to California," about the end of July, was at Bent's Fort, on the Arkansas, ready to march for New Mexico. Taking in convoy the annual "caravan" of Santa Fé traders, he then set forth across the prairie; and, after toils and sufferings on the part of his men quite as great as those endured by the other armies, on August the 18th he entered Santa Fé. The governor, Don Manuel Armijo, intended to oppose him, and for that purpose posted himself at the *canon* of Galisteo, but before Kearney's force came in sight, he altered his plans, left the pass undefended, and the city open to the entrance of the invaders.

Four days after this bloodless conquest, Kearney issued a proclamation, in which, assuming the final acquisition of the territory by the United States, he announced the intention of its new lords to provide for it, "with the least possible delay, a free government, similar to" theirs; he "absolved" the citizens "from all further allegiance to the Republic of Mexico," and "claimed" them as "citizens of the United States;" and required all who had "left

their homes and taken arms" against him, "to return forthwith" under pain of being considered "enemies and traitors" and punished as such. Before this time, no general of the United States had ventured upon such a stretch of power; which can only be paralleled by that exercised by the commissioners of the first French Republic, when their armies drove back the invaders of their country, and began to make conquests in reprisal. Whether authorized by the President or not, Congress should have testified against such a violation of the Constitution, in the most emphatic manner provided by that instrument!

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Kearney conducted a subordinate expedition as far as Tome, during the month of September, but the whole of New Mexico had submitted without a stroke. Wherefore, establishing a Territorial government there, and appointing a governor and other officers, he set out, on September the 25th, with fewer than a thousand men, for California; in accordance with the instructions he had received.

California, however, had already fallen before the arms of the triumphant republic. We pointed out two very diverse forces already prepared to annex that territory,—the *scientific* exploring expedition of Captain Fremont, and the squadron in the Pacific. Fremont's came into operation the earliest, and the story is a very remarkable one. As soon as he reached the frontiers of the department with his sixty-two men, leaving them there he went forward alone to Monterey, and obtained the permission of General De Castro to pass through the country under his command. Whilst he was availing himself of this permission, in March, 1846, he was informed by some American settlers that De Castro was preparing to attack, with horse, foot, and cavalry, him and his threescore and two followers, "upon the pretext, that, under the cover of a scientific mission, he was exciting the American settlers to revolt."

We cannot but conclude that if this be not an unintentional admission of the real design of the Captain's journey, he must have conducted himself in such a manner as to awaken the suspicions of De Castro; who could not but be more than ordinarily vigilant, knowing what Commodore Jones had attempted. And we rather incline to the former inference, because, when thus warned, instead of demonstrating the innocence of himself and his men of any design except against the Fauna and Flora and Oreads of California, "he took a position," says the Secretary of War, when afterwards telling the tale for the instruction of Congress, "on a mountain overlooking Monterey, at a distance of about thirty miles, *entrenched it*, raised the flag of the United States, and with his own men, sixty-two in number, awaited the approach of the Commandant-General."

"The American settlers," the Secretary proceeds, "were ready to join him at all hazards, if he had been attacked;" which suggests much that is unfavourable to the purity of the Captain's intentions throughout. It appears that chivalrously, or in the hope of provoking an attack, Fremont waited on his entrenched hill awhile, and finding himself unmolested he continued his journey to Oregon. De Castro complained to his government of this



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conduct of Fremont, and sent the news of his departure with excessive and premature exultation. One historian of the war, Ripley, says,—“It is difficult to perceive in what Fremont’s action can be deemed unjustifiable;” but had a party of English subjects entered the territory of the United States from Canada, and, in the same way as Fremont did, occupied a height within thirty miles of Boston, entrenched it, and hoisted the Union Jack,—we suspect that neither the United States’ government nor the most vehement Southern Democrat would have had any difficulty in perceiving wherein the action was unjustifiable. And the law holds good with nations, as well as with individuals,—“*Whatsoever ye would that they should do to you, do ye even so to them.*”

After Fremont entered Oregon, he was attacked by a tribe of Indians, who killed and wounded five of his band. Their hostility he ascribes to the governor of California, but there is no evidence adduced in proof; and none is wanting to show that the red men of that remote region did not require any extraneous incitement to attack a party of white men on “the war path,” as Fremont’s could not fail to look to their undiplomatic eyes. And now another thread of intrigue crosses that we have been following.

On the 9th of May, this remarkable party of *scientific* explorers was overtaken by Lieutenant Gillespie, of the Marines, who had been despatched from Washington early in the previous November, before Taylor had crossed the Nueces, and before amicable intercourse between the United States and Mexico was totally suspended. He was sent to Vera Cruz in the first instance, and travelled thence through Mexico to Mazatlan, in California, in the disguise of a merchant. There he saw Sloat, the commander of the squadron of observation, and then he went to Monterey, having a despatch containing instructions from the government for the American consul at that place. This despatch was to be communicated to Fremont also; but, such was the nature of its contents, that before he landed at Vera Cruz he committed them to memory, and destroyed it, delivering only a *verbal* message to the consul and to the *scientific* traveller!

But Gillespie carried with him sufficient credentials to authenticate his recital of the destroyed letter. A letter from Senator Benton, containing “enigmatical passages,” intimating what Ripley as enigmatically reports as giving Fremont reason to suppose the government wished him to “ascertain and counteract any schemes which foreigners might have, in relation to the Californias,” or “to cause precautionary measures to be taken against British schemes for the acquisition of the territory,”—the government all the while knowing, as well as the British government itself did, that there were *no* such “British schemes” on foot, nor ever had been. Gillespie also bore a brief note from the Secretary of State, Buchanan, addressed to J. C. Fremont, *Esquire*, and informing him that the bearer, *Mr.* Archibald H. Gillespie, “about visiting the North-west coast of America on business, had requested a letter of introduction to him,” and assuring him that this *business* traveller was “a gentleman of worth and respectability, and worthy of *Mr.* Fremont’s

regard." What a tangle of petty intrigue and subterfuge is here! Who can doubt that the President expected, by the same means as had succeeded in the case of Texas, to get California for the United States?

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Fremont's movement on the receipt of *Mr. Gillespie* and his documents, oral, official, &c., demonstrate this. And *Ripley's* perplexity makes the "assurance doubly sure," for, says he, whether Senator Benton intended that anything in his letter should be construed into advice to do what Fremont now did, "*is a question of doubt.*" And, in brief, this was what he did; for we may omit the Secretary's tales of what he heard—expeditions of De Castro, with horse, foot, artillery, and Indians, half a thousand men at least, against him and his fifty-seven *scientific* explorers, or against them and the American settlers in the Sacramento valley too;—he turned back, and determined to overthrow the Mexican government in California totally, and establish an independent government there,—he and his fifty-seven men, with *Mr. Gillespie*, (whose "business" in that region is now satisfactorily explained,) against De Castro's cavalry and cannons, and all the rest of his force! Except on the supposition we have kept before the reader, this story is as palpably inconsequential and unreal as any tale of the "*Arabian Nights' Entertainments*," or of "*King Arthur's Round Table*," or Don Quixote's or Sancho Panza's adventures. And it seems incredible that it should have been related in the first session of the Thirtieth Congress, with any expectation of belief. And yet it was so related, *and was believed!*

Hurrying to the Sacramento, whilst *Mr. Gillespie* went down the river to secure the immediate coöperation of the fleet, J. C. Fremont, *Esquire*, commenced operations; he captured two hundred horses one day, another day took Sonoma, with all its armament; and another attacked and defeated a squadron of seventy dragoons; he rallied round him, now forty settlers, now ninety, and soon had above two hundred at his command; and finally, on the 5th of July,—just one day too late for the completeness of the romance,—at Sonoma, he and the American settlers proclaimed the Republic of California, with himself at the head of its affairs!

Once more we must beg our reader's patience whilst we take up another thread. We saw Commodore Sloat watching with grim eyes, and grimmer guns, the coveted territory of California, under orders of some unknown tenor, from Washington; and we saw *Mr. Gillespie* (then *Lieutenant Gillespie*) communicating with him at Mazatlan. As soon as ever the declaration of war was made, as we saw, by Congress, Sloat was ordered "to take and hold San Francisco;" but before that order reached him, on the 7th of June, he heard of the battles of Palo Alto and Resaca de la Palma, and the next day sailed for Monterey. With proclamations in Spanish and English, on July the 7th, just two days after Fremont's Declaration of Independence, Monterey was in his hands; and on the 9th San Francisco fell, and Sloat proclaimed — "Henceforward California will be a portion of the United States!"

So fell the Republic of California, not unexpectedly, on the fourth day of

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its existence; and with it also fell the "independent" "revolutionary" authority (dictatorship, presidency, or whatever it was) of Colonel Fremont. Singular births of time, both of them; thus (not) untimely they perished. There was a trial afterwards, in which Fremont figured as defendant, and dissipated much mystery from this California business—incidentally throwing light on the history of the annexation of Texas, and on some other territorial acquisitions of the United States. And we need only add, that Commodore Stockton succeeded Sloat, (who retired from the command at this station at the end of July,) and he most remarkably carried out the conquest and occupation of the country, exactly in accordance with the *letter* of instructions given to Commodore Shubrick, (dated at Washington some days after the things were actually done,) when he was sent out in the following month to supersede Sloat, whose retirement was not then known!

It was the news of these events that met Kearney soon after his departure; and thereupon he sent back almost all his men to Santa Fé. He held another thread of this strange business,—converted into a "thrum," by the success of the others. It is remarkable, that the acquisition of California, like that of New Mexico,—for which President Polk, usurping the power of Congress, went to war,—was effected without the loss of one life in combat, and, like it, was characterized by proceedings as totally unconstitutional as those of the President themselves. Henceforth the interest of "the war" restricts itself to Mexico proper; to which we now return.

There we have to notice the blockade of the Mexican coast—not very effectively kept—by the American squadron under Commodore Conner; and the attack upon Frontera by a flotilla under the command of Commodore Perry. But nothing was accomplished which at all revived the naval renown of the war of 1812; for Mexico had neither fleet, nor commerce, which made her upon the ocean a worthy antagonist of the United States.

In the President's Message at the end of this year, 1846, occurs a complaint, which we must record here, because of its bearing upon more recent events, in which "the case is altered." Complaint is made that "the Mexican government had sent to Havannah blank commissions to privateers, and blank certificates of naturalization, signed by General Salas, the then present head of the Mexican government. There was also reason," added the President, "to apprehend that similar documents had been sent to other parts of the world." And after reciting the treaties with Spain, which provided that citizens and subjects of either nation who should act as privateers against the other should be punished as pirates, and expressing his confidence in the good intentions of the Spanish government, he continued,—“I recommend that Congress should immediately provide by law for the trial and punishment as pirates of Spanish subjects, who, escaping the vigilance of their government, shall be found guilty of privateering against the United States.” He also recommended the "granting of letters of marque and reprisal against vessels under the Mexican flag." But at the same time he assured Congress that the navy could protect the commerce of the United States against the



privateers, and that there were scarcely any commercial vessels of Mexico upon the high seas.

Many matters must be passed over in our necessarily condensed narrative; we therefore shall merely hint, that the War Department at Washington remained without any distinctly conceived plan of a campaign, and consulted General Taylor continually, and sometimes acted on his suggestions;—that the regulars in his army “had great envy” of the volunteers, whose pay and position was superior to their own;—that reinforcements ceaselessly marched to the seat of war;—and that not a small proportion of these hastily-raised levies never even joined the army, dying on the road of fatigue, disease, and excesses, or being fit only for the hospital when they reached the *dépôt*. In addition to the inconveniences of having to compensate for the inefficiency of the war ministry, and to “organize victory” as well as gain it in the field; and of having to convert, almost in the presence of the enemy, the undisciplined gangs that were sent to him as reinforcements, into *troops*; Taylor had other “griefs,”—his armistice was not ratified by his government; he was ordered to change his demeanour towards the Mexican population, and to make the war support itself, as far as possible; and he found himself deprived not only of the sole command, but also of a part of his army. Upon the disorderly conduct of some of his troops we may find occasion to remark at another time.

Upon the refusal of the government to ratify the armistice, we will merely repeat the comment of Brantz Mayer, whose sentiments on the war will prevent any suspicion of unfairness towards the Administration. “The authorities at home,” he says, “eager for fresh victories, or pandering to public and political taste, did not approve and confirm an act, for which General Taylor has, nevertheless, received, as he truly merits, the just applause of impartial history.” To appreciate the conduct of the government in this matter, it behoves us to remember that both California and New Mexico had (however unconstitutionally) been *annexed* to the United States, and that not a Mexican in allegiance to his own government remained on the east of the Rio Grande. The real objects of the war were actually gained; and it would have been possible to dictate a peace such as the President desired, had the opportunity been seized. It was rejected, and, after six times as much bloodshed, and at a vastly increased cost, at the end of another year of hostilities, the same terms were made that might now have been secured.

By order of the government, then, the armistice of Monterey ceased, and Taylor, leaving Worth and Butler at that town and at Saltillo, (which had fallen, as a sort of *corollary* to the capture of Monterey,) hastened with part of his army towards Tampico, which it was part of the new plans to seize. Having arrived at Victoria, the capital of Tamaulipas, he found that Commodore Conner had already made himself master of Tampico; and he proceeded no further, that he might not be too far away from the rest of his forces.

It was whilst Taylor was away on this expedition, that tidings of the pre-

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parations of Santa Anna for an attempt to drive the invaders out of Mexico reached the "army of occupation." By the end of 1846, having found that the popular feeling, especially after the disavowal of the armistice of Monterey, was still in favour of resistance to the attack made upon the country by the United States, he had accepted that line of policy, and at San Luis de Potosi, in the heart of Mexico, and on the high road from Monterey to the capital, he had collected an army of twenty thousand men, all eager for the combat, and confident of victory. The scanty and scattered detachments of the American army could scarcely have stood before a well planned and resolute movement of such a force; but Wool was summoned from Parras, and Taylor was daily expected back, and the determination to hold the ground they had won was the augury of success.

But the Administration had gradually arrived at the conclusion that no effectual progress could be made by following up Taylor's line of attack, although it perceived the advantages of retaining possession of his conquests, for the present;—and as the sea was at its command, and an army could be thrown upon any point of the coast which might seem most suitable as a base of operations, it was resolved to seize Vera Cruz, and thence to march directly upon the capital. General Scott was therefore once more summoned to the councils of the government, and invested with the office of "commander-in-chief of the American army in Mexico," for the purpose of carrying out this new programme.

Scott, a prudent general, justly regarding this as the most considerable undertaking in the war, and warned, too, by his former experience of the temper of the Administration that, though the credit of success (if attained) was to be shared between him and the government, the blame of failure (should that befall) was to be all his own, patiently and steadily devoted himself to perfect all his arrangements, before taking an irreversible step. And, amongst other measures, he deemed it requisite, not only to stop the march of any further levies to Taylor's army, but even to recall a considerable portion of its best and most efficient troops. Had Scott known that Santa Anna's forces were ready to advance towards the northern frontier, and that nothing but an immediate demonstration before Vera Cruz could divert its march, he would scarcely have diminished the strength of the "army of occupation" at this moment. But this, which threatened the loss of Taylor's well-earned fame, proved the means of raising it to a higher degree than it had yet reached; and in the end facilitated the decisive movement of Scott against Mexico.

After many alternations of feeling respecting the likelihood of an attack by Santa Anna, against which all the preparations which courageous prudence could dictate were made when Taylor returned to the valley of the Rio Grande, it was certain that they must soon expect to encounter the best army, under the most accomplished general, which Mexico could boast. The entire force which Taylor could bring into the field was four hundred and seventy-six regulars, (consisting exclusively of artillery and cavalry,) and four thousand two hundred and fifteen volunteers. The enemy, according to Santa

Anna's "summons," were twenty thousand strong, at the time of the battle of Buena Vista; but it appears, from an account published subsequently, that his army was not so strong as that when it set out from San Luis, and that it had experienced a loss of four thousand men, "from death, sickness, stragglers, and desertion," before the engagement. Yet according to this estimate it was about three times as strong as the American army; and it contained the best soldiers the country could furnish for its defence.

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The Americans had advanced beyond Saltillo, on the road to San Luis, as far as Agua Nueva; but, when the strength of the enemy was known, Taylor resolved to fall back about thirteen miles to a pass near the *hacienda* of Buena Vista called *La Angostura*, or the Straits. The road here passed through a gorge in the mountains, and was defended on the west by a complete network of deep gullies, cut by the torrents from the heights on that side, and almost everywhere impassable, whilst on the east a narrow shelf of table-land between it and the mountains was much intersected by ravines, through which, at certain seasons, rapid streams rushed in to the rivulet that meandered through the pass. General Wool had been struck by the capabilities of the spot for such a defence as the American army seemed likely to be called upon to make, when he advanced to Agua Nueva, and Taylor confirmed his opinion by selecting it as the place to make a stand against Santa Anna.

On the 21st of February positive information was received of the near approach of the Mexican army, Colonel May having fallen in with part of its force in the region east of Agua Nueva, and Major M'Culloch with the main body near La Encarnacion, and the whole American force was withdrawn to Buena Vista. The detachment which Colonel May discovered was the cavalry of General Miñon, two thousand strong, and it had been despatched by Santa Anna in a very circuitous route, to get into the rear of the Americans, threaten Saltillo, and cut off their retreat. And at the same time General Urrea was sent in a circuit to the west of the road held by the Americans, with about a thousand rancheros, to coöperate with Miñon. The Mexican general made every arrangement requisite for the completeness of the victory he anticipated; but no provision against the defeat he was destined to experience.

Taylor placed a battery of eight guns under Captain Washington, and properly supported, so as to command the road through the gorge; on the right of the stream, behind the gullies, he planted two guns under Captain Bragg, with supports of infantry and horse; to the left, on the narrow plateau with its steep ravines, were posted two regiments of infantry, with two guns; and on the skirts of the mountains were riflemen and cavalry. Two guns under Captain Sherman were in reserve, and the principal part of the cavalry still further in the rear. Warren's and Webster's commands were intrusted with the defence of Saltillo and a redoubt near; and one gun, with two companies of riflemen, was left to defend the train and headquarters. Thus Taylor's small force was reduced still smaller in the numbers that could be employed directly against the enemy, from the wide in-



CHAP. II. intervals between the points he had to hold, against forces in front, on both flanks, and in his rear.

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Santa Anna divided his army into three columns; one of which was to carry Washington's battery and force the pass; the other two were to combine and turn Taylor's left; and, beside these, he had an excellent force in reserve. He had twenty guns, three of them twenty-four-pounders, three sixteens, and five twelve-pounders, with one seven-inch howitzer. Before attempting to attack the Americans he sent by a flag of truce a very remarkable note, summoning Taylor to surrender and avoid being routed and cut to pieces: to which that matter-of-fact commander replied, with great brevity, that he "declined acceding to his request."

It was on the 22nd of February, and in honour of the day the word was "The memory of Washington." Not till the afternoon did the action commence, and then, Lieutenant O'Brien having been sent to strengthen the force on the plateau with part of Washington's battery, on a signal given, the skirmishers on the extreme right of the Mexican line, under Ampudia, rapidly ascended a ridge of the mountains, attempting to outflank the Americans, whose riflemen imitated their movement, and climbed nearly to the summit; but, being more accustomed to such fighting, they made great havoc amongst the enemy, whose skirmishers did not resort to any cover, and fired in volleys. This desultory combat continued till nightfall: and with a faint cannonade directed against the plateau constituted the whole of the first day's fight. Taylor immediately departed for Saltillo, fearing for its safety; and Santa Anna, having addressed his troops, inflamed their ardour by the performance of choice music.

At day-break on the 23rd, General Wool being still in command, the Mexicans renewed the attack, which had been suspended at the close of the previous day; and Lieutenant O'Brien's guns admirably seconded the defence of the American riflemen. The eight-pounder battery also opened on the troops stationed on the plateau. Soon the two great columns of attack, under Pacheco and Lombardini, advanced, winding up the ravines that led across the American left front; checked for a short time by O'Brien's guns, which he turned against them, they nevertheless swept on, drove the Indiana volunteers before them in total confusion, and captured one of O'Brien's guns. These inexperienced soldiers had been placed so that the eight-pounder battery of the enemy, on their left flank, completely enfiladed their line; and had the skill of the gunners equalled their opportunity, not a man could have escaped. The Illinois volunteers next encountered this huge wave of combatants, and after a gallant resistance, to avoid being surrounded, fell back as steadily as if on parade. The Arkansas volunteers, who should have assisted their brothers of Illinois, broke at the first fire, and only a few more daring individuals were seen again during the battle.

In the mean time, the other column of attack had advanced by the road through the gorge full against Washington's battery, which was now protected by a breastwork thrown up in the night. Notwithstanding its numbers, and

although his battery had been reduced to five pieces, from the necessity of increasing that arm upon the plateau, so well were his guns laid and served, that he completely crushed that imposing display of force, and drove the survivors of his energetic cannonade for shelter into the ravines leading to the plateau; up which the middle column under Pacheco had marched.

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And now Sherman and Bragg brought up their guns to the plateau, and, supported by various regiments, Kentucky, Illinois, and other volunteers, and as the double column of the enemy pressed on, the cannonade on both sides was maintained with the utmost fury; but, under cover of this advance, the Mexican cavalry succeeded in turning the left of the American line, cutting off the riflemen who had kept up their contest with Ampudia's command, although he had gained the summit of the ridge, and outflanked them. Seeing themselves surrounded thus, the riflemen abandoned their position, and bursting through the enemy's column, though with great loss, contrived to rejoin their compatriots on the plateau. Other companies of the volunteers broke and fled before the steady onward march of the Mexican columns; and it seemed impossible to retrieve the fortune of the day.

But at this juncture Taylor returned from Saltillo, and his presence reënimated the army. He brought with him the riflemen of Mississippi, under Colonel Davis, who by sheer impetuosity and courage threw into confusion and hurled back the division of Ampudia, which was now getting into the rear of the plateau. The cavalry under Yell and Marshall too held in check, for some time, the Mexican cavalry, which had made its way across ravines, and over most difficult country, quite into the rear of the American position. And meanwhile General Wool exerted himself to rally the broken and dispersed regiments, but without much success; for the greater number continued their flight, and carried to Saltillo the false tidings that Taylor was defeated, and the army in full retreat.

Four guns were now withdrawn from the centre, and sent into the rear to assist in repelling the Mexicans in that quarter; and it was time, for their cavalry had reached the *hacienda* of Buena Vista, and, although bravely attacked by the slender guard of that place, was only in part checked, until Lieutenant Reynolds came up, with his guns, and drove those who had penetrated the *hacienda* quite through it, and across to the mountains on the west. And now occurred one of the most brilliant incidents in the whole battle; another brigade of cavalry, accompanied by infantry, came up at a point nearer to the American rear than the brigades whose defeat we have just spoken of; and to meet it there were only parts of the regiments of Mississippi riflemen and Indiana volunteers, with one howitzer. This handful of men was drawn up in two lines, forming an obtuse reëntering angle, with the howitzer on their left, and so they awaited the approach of the enemy. But instead of quickening their pace as they drew nearer, as if daunted by the firmness of those few men who were drawn out in front of them, they checked their speed, and at last *halted* when they came exactly within the cross fire of the two lines. Not a trigger had been pulled, but as soon as they stopped,

CHAP. II. "the pieces came down on both faces of the American line, as if swayed by the same hand. For a moment their muzzles moved slowly about, as each man felt for his aim;" then flashed out two sheets of flame, and scarcely was the report of that double volley heard than horses and men overturned in confusion, steeds flying riderless, and the whole column broken into frightful disorder, told a new tale of defeat. Before the remnant could recover from the shock of this discharge, rapid file-firing, and grape and canister from the howitzer, swept them away bodily to the mountains.

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On the left the tide of victory was fully turned; and as the Americans now advanced, the Mexicans, in miserable disarray, all arms being mixed together, were driven into a ravine, from which escape seemed impossible, while nine pieces of light artillery of the victors played relentlessly upon the mass. Not a man could have escaped, had not Santa Anna at this very instant sent a flag of truce to General Taylor "desiring to know what he wanted!" And as Taylor ordered a suspension of hostilities, (although the Mexican batteries continued their fire,) the Mexican general drew off his shattered troops in safety.

Taylor's line was now, however, enfeebled by the transference of so many men and guns into the rear; and as Santa Anna's reserves had not yet been engaged, he prepared to bring them into action, and make himself master of the day. "Taylor had with him three regiments and four pieces of artillery. His front was rather towards the mountain than the open pass, while his back was towards the road along the stream. On his right was the whole Mexican army; on his left, far off in the rear, were the troops that had repulsed and cut up the Mexican column, and the great effort, upon the success of which all depended, was to bring these dispersed squadrons again into action, whilst he maintained the position against the assault of the fresh reserves. As Santa Anna advanced with his inspirited columns, he was met by regiments of infantry, which stood firm until, overwhelmed by numbers and driven into a ravine, they were cruelly slaughtered. After the American infantry had been overcome, the last hope was in the artillery, *and with this* the Mexican advance was effectually stopped and *the battle won*.

"The whole day had been spent in fighting, and when night came the field was covered with dead. It was an anxious season for our battered troops, and, whilst all were solicitous for the event of a contest which it was supposed would be renewed on the morrow, the greatest efforts were not only made to inspirit the troops who had borne the brunt of two days' battle, but to bring up reinforcements of artillery and cavalry, that had been stationed between Saltillo and Monterey. At day dawn, however, on the 24th, the enemy was found to have retreated."

No one could relate the horrors of that retreat; the sick, the wounded, the dying, and the dead were abandoned at every step. The Americans were too few in number, and too much exhausted by the conflict, to allow a pursuit; and there were the dead to be buried and the wounded to be cared for. An interchange of prisoners was arranged with the Mexican general; and



Miñon and the *rancheros* under Urrea, whose exploits had not been of a kind to compensate for the defeat, were withdrawn. The total loss of the victors was, amongst the regulars, eight killed and fifty-three wounded; amongst the volunteers, two hundred and sixty-four killed, three hundred and thirty-five wounded, and six missing; in all, six hundred and sixty-six killed, wounded, and missing. The Mexican loss was about two thousand five hundred, in killed and wounded; whilst in missing, and deaths during the retreat, their own authorities say that at least ten thousand five hundred more were lost. They captured three guns in the battle; but they were defeated, completely and disastrously. By the middle of March the American communications were completely restored; and the northern frontier of Mexico was indisputably their own.

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Such a victory as this of Buena Vista proves the Americans to be no unworthy descendants of the conquerors at Crecy and Agincourt,—those

“—good yeomen,  
Whose limbs were made in England.”—

The defection of so many of the volunteers, a circumstance in itself not surprising, does but enhance our opinion of the manhood of those who remained, stedfast against such fearful odds, and in the end victorious. With his overwhelming numbers, and with a force in the rear of the pass, Santa Anna ought to have conquered. His having turned the American left, and attacked the *hacienda* of Buena Vista itself, demonstrates this. But he was inferior in generalship to his opponent; his men had neither the heart nor the thews of their antagonists; and although in a review they would have “borne away the bell,” in battle they were deficient in that first and most elementary accomplishment for soldiers—they could not aim well, either with artillery or rifles. These facts account for the victory of the Americans, but they do not detract from their well-earned fame.

We must now direct attention to the west again, where we saw General Kearney proceeding from New Mexico to California. In accordance with his order, after he had departed, (and, learning that California had been won, sent back the greater part of his force to Santa Fé,) Colonel Doniphan marched against the Navajo Indians, for they “had threatened to make war upon New Mexico, which was now under our protection.” His demonstration was successful, and on the 22nd of November, 1846, a treaty was concluded with them. Reassembling his troops at Val Verde, in the middle of December he set out on a further undertaking committed to him by Kearney,—the conquest of Chihuahua. Like every other march in this war, the sufferings of the men were intense, from the difficulty of carrying provisions with them, and the impossibility of obtaining them upon the route. On the 26th he encountered a greatly superior force at Brazito, and repulsed it by means of the superior skill of his volunteers as riflemen. Three days later another engagement took place, a force of nearly four thousand men opposing his passage through the pass of the Sacramento. Doniphan won

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an easy victory, the enemy fleeing almost as soon as his riflemen got their range, leaving three hundred dead and as many wounded, all their guns, and stores, and forty prisoners;—whilst the Americans lost but one man killed and eight wounded, one of whom afterwards died. It is difficult to say whether the routing of such miserably inefficient troops reflects glory on the American arms or not. Chihuahua soon fell into Doniphan's hands; and there he rested his toilworn band for six weeks; and as soon as spring came continued his march till he reached General Taylor's encampment, near Monterey.

Colonel Price had been left in command at Santa Fé; and whilst Doniphan was pushing his way thus victoriously through Chihuahua, a conspiracy was formed amongst the Mexican and *mestizo* population of New Mexico against their conquerors. "On the 19th of January, 1847, massacres occurred simultaneously at Taos, Arroso Hondo, Rio Colorado, and Mora. Price received intelligence of this onslaught on the 20th, and, rapidly calling in his outposts, marched with a hastily gathered band of about three hundred and fifty men against the enemy, whom he met, attacked, and overawed, at Cañada, on the 24th. Reinforced by Captain Burgwin from Albuquerque, he again advanced against the insurgents; and on the 28th defeated a Mexican force estimated at fifteen hundred at the pass of El Embudo. Passing thence over the Taos mountain, through deep snows in mid-winter, the resolute commander pursued his way unmolested through the deserted settlement, which had been recently ravaged by the rebels, nor did he encounter another force until he came upon the enemy at Pueblo, when he stormed the fortified position and gained the day, but with the loss of the gallant Burgwin and other valuable officers. Mora was again reduced to subjection early in February by Captain Morris; and in all these rapid but successful actions it is estimated that near three hundred Mexicans paid the forfeit of their lives for the cruel conspiracy and its fatal results." This outbreak of course overturned Kearney's civil government, and the province remained under military law till the establishment of a Territorial government by Congress.

Following Kearney to the farthest west, we find him, on the 2nd of December, 1846, at the frontier of California. "Pursuing his way, he was met on the 5th, near San Diego, by Captain Gillespie, [the *quasi* "business" traveller we have seen before,] sent to him with thirty-six men by Commodore Stockton, now acting-governor of California. A corps of the enemy was near. The next morning the General, expecting an encounter, mounted his little party on the jaded beasts they had ridden from Santa Fé, a thousand and fifty miles, and at day-dawn went forth to San Pasqual, where he engaged a hundred and sixty mounted Californians. The Americans were victorious, but Kearney was twice wounded, and more than half the officers were either killed or wounded, with nineteen of the men." On the next day, with diminished numbers, the Americans again repulsed the enemy; and on the 8th their camp was beleaguered, till on the 10th a hundred and eighty sailors and marines, sent by Stockton, relieved them. And on the 12th they safely reached San Diego.

"On the 29th of December, by Commodore Stockton's request, General Kearney took the command of five hundred marines with the land forces; and marched to the vicinity of Ciudad De los Angeles to quell a rising of the inhabitants, backed by an army of six hundred, under Generals Flores and Rio. These forces were met and defeated at San Gabriel, on the 8th of January, 1847, and on the 9th were again fought and routed at the Mesa. They then marched twelve miles past Angeles to Cowenga, where they capitulated to Colonel Fremont, who with his battalion had now arrived at that place. Commodore Stockton, on January the 16th, commissioned Colonel Fremont as governor. He discharged the functions until the 1st of March, when General Kearney, according to his orders, assumed the office and title of Governor of California." "By direction of the War Department, General Kearney placed Colonel Mason in the office of chief magistrate of California; and on the 16th of June, 1847, he took his way homeward across the Rocky Mountains by the South Pass; being accompanied by Colonel Fremont," and others, "to the number of forty. On the 22nd of August the party was at Fort Leavenworth."

Here Fremont was arrested, "and at Fort Monroe, on November the 3rd, he appeared before a highly respectable court-martial, charged with mutiny, disobedience, and disorderly conduct. After a long trial, the court pronounced him guilty, and sentenced him to the loss of his commission; but the majority of his judges, in consequence of his professional services and the peculiarity of his position arising from the disagreement of his two superiors, recommended him to the clemency of the President. To these petitions Mr. Polk replied, that, [in short, he] approved the decision; but on account of the peculiarities of the case, and of [Fremont's] previous meritorious and valuable services, the penalty was remitted, he was discharged from arrest, and directed to report for duty. Fremont in his defence had manifested an embittered feeling against the Administration; chiefly that the charges against him had been sustained, and the prosecution ordered. He now refused to accept of clemency, on the ground that this would be admitting the justice of the sentence. His connexion with the army was, therefore, at an end."

With the victory of Buena Vista the northern frontier of Mexico ceased to be the seat of actual hostilities; and as soon as General Scott was placed in supreme command, Taylor's duties were of a subordinate character; he soon, therefore, returned home, leaving his second in command, General Wool, in charge of the province their joint labours had won. There had been a time when the war had lost its interest and popularity in the United States;—this was before the fall of Monterey. The long interval during which no progress was made, and Palo Alto and Resaca de la Palma, which were rather promises of glory to be achieved than actual achievements, seemed likely to remain the only successes to repay vast expenditure, prodigious sacrifice of human life, and the unconstitutional confidence which the nation had reposed in its chief magistrate. The northern opposition to the war, and to the Administration on account of it, regained strength; and the majority against the



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President, in the Thirtieth Congress, which was elected just then, accurately marked the degree to which Polk's aggressive and acquisitive Democracy had lost the favour of the people. The capture of Monterey enabled it somewhat to recover its position; but then followed another interval of inaction; and as the real object of the war gradually became plain, in spite of the President's explicit disavowal; and the questionable character of the proceedings of the Administration in respect of the war became known; although subsequent victories might throw a halo round the war itself,—it was but too apparent, that the *prestige* of the party which had forced it upon the country had, for a season at least, departed.

The Whigs in Congress cannot, however, be acquitted of factious opposition to the Administration. They had, as we saw, joined in the declaration of war, and had (evidently for fear of losing their hold upon the people) assisted in carrying out measures which they denounced by every epithet which excited political oratory could appropriate or invent. Now, looking still to the interests of their party, they temporized, and debated, and procrastinated, and appeared to consider the loss of their own character for statesmanship amply balanced by the obstruction of the President's plans. Our limits forbid our entering into much detail. We can only name "the Three Million Bill," "the Ten Regiment Bill," "the Wilmot Proviso," and the Lieutenant-generalship, as illustrations of what we have alleged, and as topics which the history of Congress, at this time, proves to have furnished occasion for more than the usual amount of battology. The internal affairs of Mexico we must quite pass over; and hasten now to the last and conclusive movement of the war,—the expedition to Vera Cruz.

How Tampico was taken, we said; we may add that Tabasco likewise fell before the fleet of the United States, but not bloodlessly. Some slight advantages the Mexicans could boast; but they were indebted for them to accident, or to the neglect of their antagonists, rather than to their own skill, courage, or judgment. These, with other minor matters, we have not sufficient space to notice particularly.

It was in November, 1846, that General Scott finally sailed for Brazos San Jago, to superintend in person the setting out of the expedition he was to command. There he recalled from the "army of occupation," as we said above, almost all the regulars, and so large a proportion of the volunteers, that it was incapacitated for initiating any movement against the enemy, and almost for resisting the movements of the enemy against itself. And, as if to add to the difficulty, it chanced that the despatches which were to have informed Taylor of the plan of campaign which had been arranged for Scott fell into Santa Anna's hands, and undoubtedly encouraged him in his design of marching against the weakened army in the North, in the hope of driving it beyond the Nueces in time to enable him to return and make head against the new danger which menaced the South of the republic. The result of this we have already related.

Lobos, an island to the south of Tampico, and not much more than a hun-

dred miles from Vera Cruz, was the rendezvous appointed for the armament which was to be thrown upon the coast at the nearest point to the capital. And there, in the beginning of March, 1847, were collected above twelve thousand men, and a fleet of a hundred and sixty-three vessels to transport the army, with its guns, stores, and equipage of every kind, to its destination. On the 7th of March the embarkation was effected; and two days afterwards, the whole force was landed, without the loss of a man, at the island of Sacrificios, in close proximity to Vera Cruz. On the 18th, having vainly summoned the city, Scott broke ground before it; and on the 22nd, the investment being completed, and another summons rejected, the bombardment began. Aided by the fleet, which coöperated most effectually with the land forces, Scott maintained for four days, and as many nights, such a frightful rain of fire upon the place, that it was almost converted into a heap of ruins; and the loss of life was enormous.

Three thousand shells, weighing ninety pounds each, and as many round shot, chiefly thirty-two pounders, were thrown into the city during this bombardment. The Mexicans, whose garrison barely exceeded a thousand in number, displayed spirit enough in their resistance; but they were unprovided with artillery fit to cope with that of their assailants, and they ought to have been five times as numerous fully to man the batteries and the citadel. On the evening of the 24th, a joint note was addressed to Scott by the French, Spanish, and British consuls, requesting him to suspend hostilities long enough "to enable their respective compatriots [*neutrals*, be it remembered] to leave the place with their women and children, as well as the Mexican women and children." "The next day, the 25th, General Scott sent to the consuls a peremptory refusal of their request;—the neutrals might have left the place before the bombardment; and as to the Mexican women and children, his summons to the city had been disregarded, and now no truce would be allowed apart from surrender." We quote from the account of one of the Reviewers of the war; who adds the following comment, the justice of which seems to be admitted by the hesitating manner of writers on the other side, when they speak (as Ripley, for example, does) of its being "very questionable" whether "humanity might have been favoured by taking the town by direct assault;" which he could have done, with greater loss on his own side, but without the slaughter of "non-combatants," women and children and neutrals.

"Some excuse," says our author, "for this stern denial of mercy to foreigners, and to innocent women and children, might have been found, if the capture of the city would have been hazarded by the intermission of a few hours of the fiery deluge which was overwhelming it. But Scott well knew that he had it in his power to reduce the whole city to one mass of ruins. So also, had a reinforcement of Mexicans been approaching, a motive would have existed for compelling a surrender before their arrival; but the beleaguered city had no hopes of relief, and the position and force of the American army precluded the possibility of succour. Scott's army, moreover, were

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so safely ensconced in their intrenchments, that he had no reason to fear that the boon that was asked would prove injurious to the assailants; since in his operations against the castle and city, his total loss out of twelve thousand men did not exceed sixty-five killed and wounded. *Before* replying to the consuls, he wrote to the Secretary of War the same day,—‘*All the batteries are in awful activity* this morning. The effect is no doubt very great, and I think the city cannot hold out *beyond to-day*.’ Hence, by his own confession, and by the fact that the city did surrender on the 26th, the slaughter of women and children, occasioned by the awful activity of his batteries during the whole of the 25th—there being then a ‘full supply’ of shells—was utterly unnecessary.”

Four hundred of the garrison were killed, and six hundred were wounded; four or five hundred of the inhabitants had perished; and after some negotiation, the terms of surrender were arranged, and on the 29th, both city and citadel were given up to the invaders; the army marching out with the honours of war, and (with the exception of the officers) laying down their arms at a place appointed, and they were bound not to serve again in the war until regularly exchanged; all the public stores, &c., in the place were delivered up to the victors, but perfect protection was guaranteed to the inhabitants.

Leaving a small force to garrison this his first conquest, as soon as he had provided for the resuscitation of the commerce of the port, captured the ports of Alvarado and Tlacotalpam, and given orders that Tuspan should be taken on the 8th of April, Scott took the road to the Mexican capital with the greater part of his army, arriving at Plan del Rio on the 14th. He had learned that Santa Anna, having collected what force he could, had taken up a position in advance of Jalapa, at the pass of Cerro Gordo, with the determination to stop his progress; and he hastened his march that he might prevent delay or a change of route, either of which might be as injurious as a defeat.

After several reconnaissances, by which he fully ascertained the strength of the Mexican front, Scott resolved to cut a passage through the thick chaparral on his right, so as to turn the left flank of the enemy, whose care had been confined to obstructing the main road. To mask this movement, General Twiggs was ordered, on the 17th, to advance against a fortified position, with a steep ascent, almost directly in front of the main intrenchment. This was carried by Colonel Harvey, with the rifles and some detachments of infantry and artillery, and a heavy gun having been dragged up to the height, a demonstration was made against another fort in its rear. Early on the next morning, the troops moved forward in columns to make a general attack on the enemy's line. Pillow's brigade assaulted the right, but was compelled to retire; and it was of the less moment, because this was not the key of the position. Twiggs's division stormed the centre, carried the fortifications, and cut them off from support; while Riley's brigade drove the main body of the Mexicans into complete rout, and turned their own guns upon them as they



fled. Shield's brigade, in the mean time, assaulted and carried the battery in the rear of the enemy's left, and deprived them of the opportunity of rallying.

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The victors lost sixty-four killed, and three hundred and fifty-three wounded; and twenty-one of them died afterwards. The loss of the vanquished in killed and wounded was never known, but the Americans took three thousand prisoners, amongst whom were five generals, four or five thousand stand of arms, and forty-three pieces of artillery. Santa Anna himself with great difficulty escaped to Brizava; yet in a very short time he had collected the shattered remains of his army, and before the end of a month awaited the conquerors at Puebla.

Scott's army advanced, immediately after their victory, on Jalapa and Perote, which were abandoned to them without a blow; the latter on the 22nd of April, and with it a vast accumulation of warlike stores. At Amozoque they were unsuccessfully attacked by Santa Anna; and on May the 22nd, Puebla submitted to General Worth, whilst the Mexican forces retired upon the capital. This failure to retrieve the disaster at Cerro Gordo kindled anew the flames of revolution in Mexico; but neither does our space permit us to narrate the manifestations of this spirit of anarchy, nor is the lesson to be learned from them one required by those who read these pages. In one point only were all the parties and factions of this hapless country still agreed, that the Americans were to be opposed to the last; and that it would be treason to the country to treat with the United States, so long as its army remained in the territory of Mexico. How vain both resolves were, events before long made clear to all.

Puebla now became the head quarters of Scott's army, and here that general remained until the beginning of August; in part because of the necessity of recruiting his troops, and in part because the United States' government renewed their overtures of negotiations to the government of Mexico, as soon as the news of the victory at Cerro Gordo reached Washington. But this long halt grievously tried both the health and the *morale* of the army. The numbers in hospital were unprecedented, when the total strength of the forces are taken into consideration, amounting sometimes to a fifth, and even to a quarter of the whole! And in spite of all that was known of the anarchy of the Mexican government, and although the Mexican army had never appeared in front of the Americans except to be beaten, as many as seventeen hundred deserters were reported in less than twelve months from the time of landing at Vera Cruz,—a fact which indicates a vital deficiency in the military system of the United States; and to the discovery of which the constitution of the regular army (its not being made up of native Americans, especially), and the low class of the body of the Volunteers, may perhaps assist those whose concern it ought to be, to find it out and remedy.

Of the efforts to open a negotiation with Mexico we need not speak in detail, since both now and at an earlier period they were unsuccessful. But it is lamentable to see a nation, which has the right on its side with regard to the quarrel it is engaged in, which knows this, and has the spirit after such

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great reverses to refuse to acknowledge itself worsted,—it is lamentable to see this nation unable by the vigour of its government, of its commanders, of its army, or by any means whatever, to demonstrate the justice of its cause. And this may suggest to us the grave consideration, which we shall find more forcibly impressed upon us by subsequent events, that in this war, just as in the extermination of the aborigines of North America, the United States was, in fact, “the scourge of God,” with this rare and awful peculiarity, that, like the devastator of ancient Rome, it was more than half conscious of having been intrusted with so frightful a commission.

Having at length been well reinforced, although he left behind him above two thousand men in hospital, on the 7th of August Scott took the road to the capital of Mexico; and in four days the advanced division reached Ayotla, about fifteen miles from the city of the Montezumas. By this route, however, it was soon discovered that Mexico was inaccessible; a new road was therefore constructed, to the south of that running direct from Vera Cruz; and between the 15th and the 18th of the month, the army had rounded Lakes Chalco and Xochimilco, and reached San Augustin, on the Acapulco road, only eight miles distant from the object of its long journey. Nothing can better show the exhaustion of the military power of the government, than this daring march of less than eleven thousand men, so far into a country peculiarly favourable to guerilla warfare, and in which no amount of contributions which might be levied could compensate for the destruction of its communications with the sea and its fleet. The attempts made to employ this means of annoying the invaders only the more emphatically proclaim this fact.

Yet the most astonishing efforts were made to defend the capital. On every road approaching it were strong earth-works and batteries, and around the city itself was a complete girdle of intrenchments. There was scarcely a sufficiency of artillery, and the disposable troops were not above twenty thousand in number; the services of some ten thousand armed citizens might perhaps be reckoned upon, in addition to the army; and although the lines were long, the invading force was too inconsiderable to make this of great moment. More remarkable, however, than any other fact regarding this defence was this, that, with the exception of the arms and guns saved from the defeats we have recorded, the equipment of the troops now collected for the preservation of the capital was the work of the foundries and factories of the country itself; the peril of the commonwealth, and the destruction of its foreign commerce, having called forth its energies, and made it evident that the source of the evils which had afflicted the land was not that it did not furnish its people with the materials for maintaining their independence, nor that the people were not sufficiently quick-witted to employ them under the pressure of an adequate motive, such as now was this American invasion. Had Mexico but discovered what the true source was, not even the accumulated woes of this invasion could have depressed her long!

Santa Anna's plans, as he stated them after the battle was lost, appear to

have been arranged with greater skill than he had shown before. It was his design to have fallen back before the American advance, and given battle on ground he had chosen, and in which his numbers would have told with effect upon the comparatively small army of the invaders. But the gross disobedience of General Valencia disconcerted the whole plan. As if he had determined to seize the first opportunity of attacking the Americans, in entire forgetfulness of the first duty of a subordinate commander, and in spite of the untenable character of the ground about Contreras (or Padierna), he left his position at Coyoacan and San Angel, and advanced to Contreras, and on the heights there intrenched himself, not only without any orders from Santa Anna, but without so much as consulting him respecting the movement. By this means he weakened the force opposed to Scott's direct advance, and at the same time he could not prevent that advance, because the nature of the ground in his front neutralized the menace of his position on Scott's flank.

The American commander, nevertheless, considered it safest to dispose of Valencia's force in the first instance; and, accordingly, having sent Worth with Harney's cavalry to menace San Antonio, Pillow's division, consisting of Pierce's and Cadwallader's brigades, were despatched against Contreras, on the left, across the Pedregal,—which consisted of fields of lava that had flowed in remote times from some now extinct volcano near, and was for the most part impassable, except by a solitary mule-track, on account of the ruggedness of the surface, and the deep chasms filled with water, or with the thorny maguay that intersected it. Twigg's division covered the party which was engaged in making a road over this rugged and difficult tract.

On the afternoon of the 19th of August, these two divisions arrived within range of Valencia's guns; and the small field batteries of Magruder and Callender were with great labour brought into play against them, whilst the front was extended to the right in such a manner, that by the aid of Morgan's regular infantry and Shield's volunteers (which were sent to reinforce them at sunset) the *rancho* of Ansaldo was carried, and Valencia's communications threatened. Amid the darkness and rain of the night, which rapidly fell upon the field, and terminated the conflict for a short time, General Persifer Smith proposed a plan for the assault of Valencia's camp, which Captain Lee, of the Engineers, toiling alone across the perilous lava-field, through the impervious gloom and storm, communicated to General Scott, and obtained his approbation for the trial of it.

Led by Colonel Riley, and followed by Cadwallader's and Smith's brigades, the Americans set out at about three o'clock in the morning of the 20th, through the rain and mud, and by sunrise reached an elevation in the rear of the Mexican position, from which they were able to attack the intrenchments with such advantage, that in seventeen minutes they were carried. Scott had sent Twigg's division against the works in front, to effect a diversion, if it should be required; Smith's own brigade discovered and routed a mass of Mexican cavalry, while Shield's not only held other masses in check, but captured great numbers of fugitives from Contreras. The con-



CHAP. querers had about four thousand five hundred men engaged in this brilliant  
II. action, whilst the enemy numbered about six thousand, and Santa Anna with  
A. D. 1845 double that number was sufficiently near to have shared the fight. They lost  
to 1848. about seven hundred killed, and about eight hundred prisoners, including  
four generals. The Americans captured twenty-two brass guns, two of which  
had been lost at Buena Vista, many thousands of muskets, several colours  
and standards, great quantities of ammunition, and about a thousand mules  
and horses. Their loss will be mentioned below.

But the victory of Contreras (or Padierna, or Ansaldo) did not suffice the American commander's appetite for glory, nor his army's capability of toil in a single day. Whilst these divisions were engaged on the left, Worth, by a skilful and daring movement on the right, had turned and forced the enemy's strong position at San Antonio, and then advanced directly upon the *tête de pont* at Cherubusco, whilst the other divisions hastened to the same point from the field of Contreras. Pierce and Shield crossing the Rio de Cherubusco by a bridge on the left, turned the position, and engaged Santa Anna's troops, whilst Twigg assaulted and carried the works round the church of San Pablo, and Cadwallader, Worth, and Pillow were engaged with the *tête de pont* itself. At every point the contest was most furious; but the Mexicans again proved themselves unable to cope with the soldiers from the North; at every point the Americans triumphed, and the dragoons chased the flying foe to the very gates of Mexico.

No returns show the losses experienced by the enemy in killed and wounded in these obstinate conflicts; but nearly sixteen hundred were taken prisoners, including three generals. Seven field pieces were captured, with some ammunition, and one standard. The Americans lost in all the battles of the 19th and 20th of August, in regulars and volunteers, a hundred and thirty-three killed, and eight hundred and sixty-five wounded, of whom thirty-one died afterwards. And this was the most sanguinary of all the engagements in the whole course of the war; but it was withal one of the most decisive.

Now, therefore, was the time for negotiation: perhaps the Mexicans had been sufficiently beaten to be willing to accept the proposal to buy the northern half of the territory of the republic, as well as consent to the annexation of Texas. At his head-quarters at Tacubaya, full in view of the capital of the enemy, and only three miles distant from it, Scott arranged an armistice, with a view to a treaty; having enforced the offer by the alternative of an assault, which no one doubted must have been successful. Some pause, too, was desirable for his own men, after so long a march and such severe engagements. And for several days after the 24th of August, the commissioners appointed by the two parties attempted to ascertain the existence of some ground of agreement, whence they might start in drawing up the articles of a final treaty.

But the American general felt bound to require the utmost that his government had indicated its intention to acquire; and the Mexicans were

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embarrassed, not only with the absurd vanity of hoping to appear unsubdued, but yet more unhappily by the varied and conflicting policies of the parties into which the republic was split; and there was little prospect of arriving at any conclusion, whatever time and patience might be given to the discussion of the points at issue between the nations. There were also at work other feelings which forbade the hope of concluding a treaty now: we do not wonder that the *leperos* of Mexico should rise against the plan for provisioning the invader's army from the city; but it was plain that Santa Anna did not even now despair concerning the commonwealth; and the negotiations seemed to be prolonged, simply to give him time to make one more stand for his country's cause.

Considering merely the justice of that cause, and the honour that belongs to one who to the end *believes* his country invincible, we might not blame the great Mexican chieftain. But, alas! it had been too fatally demonstrated that invincibility was the attribute of the Americans, not of the Mexicans. Under whatever circumstances the engagements between the armies had taken place, victory had always declared in favour of the star-spangled banner. Against the most fearful odds, against every advantage of ground as well as numbers, the Americans had fought and conquered. And now they had penetrated from the coast into the heart of the land, in spite of the best planned opposition; and though decimated by battle and by disease, and outnumbered by the very wreck of the Mexican armies, they were then negotiating—in fact, dictating—a peace in sight of the gates of Mexico. It was infatuation amounting to criminality, which now risked further effusion of blood. In old times, when

“Heaven smiled approval on the conquering cause,  
But Cato on the conquered,”—

the manner in which Cato testified his unshaken constancy was by killing himself, not by sacrificing his country's last surviving soldiers. A heathen fashion, truly; yet heroic rather than that which Santa Anna followed.

During the armistice it was reported that he had strengthened his fortifications, although he had stipulated not to do so, cast some huge church-bells into cannon, and organized what remained of the armies that had been raised, for one more effort against the invaders. Scott had employed it also in such drilling and military exercise of his troops as their position rendered possible; and put into serviceable condition the artillery he had captured, and refilled his exhausted ammunition waggons from the stores which his victories had put into his power. He had no need to strengthen his position, for his object (if peace was not negotiated) was not to maintain the ground he occupied, but to take that of the enemy; and we do not hear of his receiving any reinforcements from the coast. Neither did he suffer any hostile reconnaissances of the positions occupied by Santa Anna's troops; but as they were not much more than a mile from Tacubaya, *perhaps* none were requisite to give him all the information he required.

On September the 6th, the armistice having lasted for a fortnight, and no

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fruit appearing in the form of a treaty, General Scott notified to Santa Anna his acquaintance with the infractions of the armistice we have mentioned, and demanded satisfaction on account of them before noon on the following day, under pain of declaring the suspension of arms at an end, and proceeding with hostilities forthwith. The reply, which was sent on the 7th, accepted the latter alternative, and announced the resolution to try the fortune of war once more. And before night Scott's plan of action was fully matured.

Having ascertained that the western side of the city seemed to be less strongly fortified than the south side, he determined to assault it by a flank attack. But there lay directly in the line of operations, on this plan, three strong positions—*El Molino del Rey*, *La Casa Mata*, and Chapultepec; the latter a castellated height, which under ordinary circumstances could only have been reduced by a regular siege. Nevertheless, knowing the quality of his own men, and the inefficiency of the enemy, he expected to carry it, as well as the rest, by assault, and gave orders accordingly; the King's Mill—*El Molino del Rey*—being the first point to be carried.

Early in the morning of the 8th, the different sections of Worth's division took post at the spots assigned to them, and as soon as dawn appeared Huger's twenty-four pounders thundered against the walls of the old mill, preluding the assault on the advanced battery, which was effected in so gallant a style by Wright and Smith, that in spite of the grape and canister showered upon the attacking column, in spite of a desperate rally on the part of the foe, and a struggle in which eleven out of fourteen American officers fell, the place was taken, and the guns in it turned upon the fugitives, who rushed in the wildest disorder to the forts. "In the mean while, Garland's brigade, sustained by Drum's artillery, assaulted the enemy's left, near the Molino, and after an obstinate contest drove him from his position under the protecting guns of Chapultepec." The American guns, being advanced to the position which had been carried, made dreadful havoc amongst the flying foe.

"While these efforts were successfully making on the Mexican centre and left, Duncan's battery blazed on the right, and Colonel Mackintosh was ordered to assault that point." But the Casa Mata "proved to be a massive stone work surrounded with bastioned intrenchments and deep ditches, whence a deadly fire was delivered, and kept up without intermission upon our advancing troops, until they reached the very slope of the parapet surrounding the citadel." Here they were mowed down with frightful slaughter by the guns of the fort, and were compelled to withdraw to the left of Duncan's battery, where the remnant of the column re-formed in readiness for another assault.

An attack threatened by the Mexican cavalry on the American left was now repulsed by artillery and the mere appearance of the American dragoons; while new efforts were made against the Molino, that soon yielded to a desperate charge, led by Buchanan and M'Kenzie on one side, and Anderson and Ayres on the other. All the guns were now brought to bear on the Casa Mata, and the garrison cut off from all support, and exposed to a most de-



structive cannonade, evacuated it. Two attempts to rally and lead their men on, for the recovery of the positions that had been lost, were made by the Mexican commanders, but they could not stand before the terrible fire of the American guns; and by nine o'clock in the morning the battle was over.

Scott forbade all pursuit, though Worth begged his permission to follow up the victory; and after blowing up the Casa Mata, the conquerors were marched back to Tacubaya to prepare for another conflict, on another day. The entire number of Americans engaged did not exceed three thousand five hundred; whilst the enemy's force was reckoned at ten thousand, most of whom were posted behind strong fortifications. The American loss was a hundred and twenty-four killed, and five hundred and eighty-one wounded, of whom sixty-seven died afterwards; but other accounts represent the total of killed and wounded as being eighty-two higher. They captured four guns and a great number of small arms, with ammunition and eight hundred prisoners. The loss on the other side was never ascertained, but it is known that two generals were killed.

After new reconnaissances of the southern approaches to Mexico, and of Chapultepec, by which Santa Anna was completely thrown off his guard measures were taken for the assault of the fortress, on the 13th of September. Three batteries were constructed on the night of the 11th and in the course of the following day; and Pillow's troops took possession of Molino del Rey again. Throughout the 12th, the fortress was briskly bombarded; whilst feigned attacks were directed against the *garitas*, San Antonio and Unio Pudido. On the morning of the 13th, all measures having been concocted between Scott and his subordinate commanders, the bombardment was renewed with greater vigour than before, until at eight o'clock the batteries suddenly ceased firing, and Pillow's division rushed from its position, overpowered the resistance offered by the enemy on the ground before the fortress, rapidly climbed the steep sides of the hill on which Chapultepec stood, and rearing their scaling ladders against its walls, poured into the works. Quitman, with Shield and Smith, at the same time advanced against the south-eastern side of the hill, and though they had difficult ground, and much exposed to the enemy's fire, to pass over, they reached the fortress in time to take part in its capture. Chapultepec was entered on every side; the officers who should have fired the mines were shot down before they could apply the match; and though the garrison made a stout and prolonged defence almost at the point of the bayonet, it was all in vain, and the survivors, with their gallant chief, were made prisoners.

But it was not for this hill-fort, though it was the site of the "Hall of the Montezumas," that this battle was fought; and whilst the conflict had raged around it, Worth, passing to the north of it, had advanced by the causeway and aqueduct of San Cosmé upon Mexico itself. Quitman, also, as soon as Chapultepec had fallen, pressed on with the greater part of his command, against the *garita* of Belen: both detachments driving the fugitives and stragglers from the former field before them into the city. A hot fire from the roofs

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and windows of the houses in the street of San Cosmé delayed Worth's progress, but he made good the ground he had won when night fell. But Quitman, whose attack was intended as a feint merely, converted it into a real assault, carried the gate of Belen, in spite of all obstacles, and established himself under the very guns of the citadel.

"When darkness fell upon the city," says Brantz Mayer, in his *History of Mexico*, "a council of disheartened officers assembled in the Mexican citadel. After the customary crimination and recrimination had been exhausted between Santa Anna and other officers, it was acknowledged that the time had come to decide upon future movements. Beaten in every battle, they now saw one American general already within the city gate, while another was preparing to enter on the following morning, and kept the city sleepless by the loud discharges of his heavy cannon or bursting bombs, as they fell in the centre of the capital. General Carrera believed the demoralization of the army complete. Lombardini, Alcorta, and Perez coincided in his opinion; and Santa Anna at length closed the panic-stricken council by declaring that Mexico must be evacuated during the night, and by naming Lombardini general-in-chief, and General Perez second in command. Between eight and nine o'clock Senor Trigueros called at the citadel with his coach, and bore away the luckless military President to the sacred town of Guadalupe Hidalgo, three miles north of the capital.

"The retreat of the Mexican army began at midnight, and not long after a deputation *Ayuntamiento*, or city council, waited upon General Scott with the information that the federal government and troops had fled from the capital. The haggard visitors demanded terms of capitulation in favour of the church, the citizens, and the municipal authorities. Scott refused the ill-timed request, and promising no terms that were not self-imposed, sent word to Quitman and Worth to advance as soon as possible on the following morning, [the 14th,] and guarding carefully against treachery, to occupy the city's strongest and most commanding points. Worth was halted at the Alameda, a few squares west of the Plaza; but Quitman was allowed the honour of advancing to the great square, and hoisting the American flag on the National Palace. At nine o'clock the commander-in-chief, attended by his brilliant staff, rode into the vast area in front of the venerable cathedral and palace, amid the shouts of the exulting army, to whose triumphs his prudence and genius had so greatly contributed."

These last victories had cost the American army a loss of one hundred and thirty killed, seven hundred and three wounded, about forty of whom died, and twenty-nine missing. The enemy lost all. Scott's army, which numbered nearly eleven thousand men when he left Puebla, was now reduced to less than six thousand; and above half the loss had taken place in battle; sickness, desertion, and the necessity of garrisoning some of the captured places, accounted for the rest. But the loss of the Mexicans during the same time had exceeded seven thousand, by battle alone; and besides, there were nearly four thousand prisoners in the hands of the conquerors, who had also

taken more than twenty colours and standards, seventy-five guns, and fifty-seven "wall-pieces," twenty thousand small arms, and an immense quantity of shot, shells, and powder.

Here, virtually, the Mexican war ended; although there was a little fighting in the captured city, on the line of communication with Vera Cruz, and in the remoter northern provinces, which must yet be noticed. The bloodshed in Mexico itself was caused by the liberation of some two thousand convicts—miscreants who had been imprisoned for every species of crime—by the government when it fled from the capital. The outbreak commenced with the dispersion of the victorious Americans from the great square, to search for quarters; and for two days afterwards murderous assaults were continually made on the American soldiers by these wretches, in conjunction with the unimprisoned rascality of the place, and all the soldiers of the disorganized army which remained there. They fired on the troops from house-tops and windows, and from behind walls, and every screen they could discover, and occasioned them more loss than some battles. The orderly classes of the inhabitants willingly joined Scott in his exertions to suppress this insurrection of brigands, which was as much to be dreaded by them as by the invaders; and such vigorous measures were adopted under the proclamation of martial law, as speedily brought it to an end. General Quitman was appointed governor of the city; and under his administration of Scott's general order, the city was more peaceable and safe than it had been for ages. The contribution levied amounted to no more than a hundred and fifty thousand dollars, the greatest part of which was devoted to the purchase of blankets and shoes for the common soldiers, and comforts for the sick and wounded.

At a subsequent period of the occupation, a very different account must be given of the conduct of the victors. Of the outrages committed by individuals and gangs in the army we do not speak now, but of the plunder of the country authorized by the commander-in-chief. He acted, no doubt, under orders from Washington; and the expectation was, that by this means such a treaty of peace as the President had resolved to have, might the more speedily and surely be concluded. In the middle of December, Scott ordered the collection of "all the taxes and dues of whatever name or kind," which had been paid under the national government, for the support of the army of occupation. And at the end of the same month, he imposed on some of the Mexican States a contribution of *a million dollars*!—making the functionaries of each State so mulcted responsible in their persons and property for the payment of its assessment!—and authorizing the American officers to "collect" any *deficit* from "the wealthier inhabitants within their reach."

"When Scott marched into the valley of Mexico, Puebla was left in charge of Colonel Childs, with four hundred efficient men, and nearly eighteen hundred in his hospitals. The watchful commander and his small band preserved order until the false news of Mexican success at Molino del Rey was received. But, at that moment, the masses, joined by about three thousand troops under General Rea, a brave and accomplished Spaniard,



CHAP. rose upon and besieged the slender garrison. On the 22nd of September,  
 II. Santa Anna (who, when he fled from Mexico, summoned the congress to  
 A. D. 1845 Querétaro, and had resigned the Presidency to Chief Justice Peña y Peña)  
 to 1848. arrived, and increasing the assailants to nearly eight thousand, made the most  
 vigorous efforts, during the following six days and nights, to dislodge the  
 Americans from the position they had seized."

Tidings of their danger were carried to General Lane at Vera Cruz, and Major Lally at Jalapa, and they, fighting their way through the swarms of *guerilleros* which infested every pass, fell upon Santa Anna (who had advanced as far as Huamantla to meet them) on the 9th of October, and although their force was under a thousand strong, defeated him after a sharp action. On the 13th they reached Puebla, and at once changed the aspect of affairs. Rea withdrew to Atlixco, whither Lane pursued him, and carried the place after an hour's cannonade by moonlight, on the night of the 19th. The losses of the Americans in these affairs were about a hundred killed and wounded.

About the same time an organized onset was made upon the *guerilleros*, who had so seriously endangered the communications of the army; and by the courage and skill of General Patterson, with Colonel Hughes and Major Kenly, and the coöperation of Lane, the whole of them were either destroyed or driven away; so that the line from Mexico to the sea was finally established, and rendered perfectly safe for convoys, &c., which it had not been at any previous time during the war.

On both sea-coasts of Mexico the American fleet was engaged; but it was in the Pacific that most occurred requiring notice, for on the Atlantic side there in fact remained but one place to reduce, and that was effected by Commodore Perry. On the western side of the continent, Guyamas was seized by Captain Lavallette, having been deserted by its garrison and governor, and a demonstration made against it subsequently was easily defeated. Mazatlan was occupied by Commodore Shubrick, who hoped to have made it the terminus of a line of communication with General Scott or General Taylor. San Blas, San José, Mulejé, San Antonio, and Todos Santos were also the scenes of combats and skirmishes, all of them invariably ending in the success of the American arms.

Here we can most easily introduce General Price's reduction of Chihuahua, and total defeat of a Mexican force of about nine hundred men at Santa Cruz de las Rosales, with less than a third of their number. And here we may mention one small affair, which, as it is the only one in which the Mexicans had the advantage, it is doubly our duty not to overlook. It arose out of the unaccountable imprudence of the Mexican government in sending to Huejutla about two hundred American prisoners,—there being no provision for safely keeping, nor even for lodging such a number, at the place. It was, moreover, so near to Tampico, which was in the possession of the Americans, that their governor demanded the prisoners of the Mexican authorities; and as the reply was an absolute refusal of compliance, he re-

solved to take them by force. Sending his prisoners to places in the rear, General Francisco Garay prepared to meet the Americans, at the Calabozo, with about six hundred men; and there on the 12th of June, in this year of American victories, he inflicted the sole repulse which was suffered by the invaders of Mexico. The total American loss on this occasion was twelve killed and as many wounded.

We have spoken of the systematic efforts made by the American government to turn to diplomatic account the progressive pressure of hostilities against Mexico, and have related the various endeavours made by General Taylor in the course of his campaign, and by Nicholas P. Trist, who accompanied Scott as commissioner, to treat with the government of Mexico whenever the opportunity should present itself. The armistice of Tacubaya was the last of those efforts, but, like all that had gone before, it proved unfruitful, as the Mexicans had not been so completely beaten as to despair of ultimate success against the United States. Now, however, matters wore a very different aspect; their capital was in the hands of the enemy, their government (if government it could be called, which possessed so little authority in the country, and the personal elements of which were changing almost daily) existed only by sufferance; their last army had been cut to pieces and hopelessly disorganized; the general on whom they most relied, routed in every battle-field, had barely escaped being made a prisoner by the foe, and was a vagabond in the land; the commander-in-chief of the victorious invaders had publicly proclaimed his determination to inflict summary punishment, as on brigands, upon any who should be caught in the prosecution of the guerilla warfare, which alone remained possible; yet they did not immediately embrace the American commissioner's offer to treat for peace.

This arose in good part, it must be admitted, from the disorganization which the defeats they had endured, their removal from the capital, the resignation of Santa Anna, the perseverance of the party-leaders in their factious broils, and the reëappearance of General Paredes, had occasioned; although the obstinate self-conceit which had lured them so far towards complete destruction, as a nation, had also not a little to do with it. We cannot suppose that they were aware of the intrigues which so soon afterwards displaced both the victorious general and the astute commissioner, or we might fancy that the negotiations were delayed in the hope of gaining more advantageous terms.

Soon after the capture of Mexico, Trist had sounded Peña y Pena respecting the renewal of peace negotiations; but not till the end of October did that "prudent statesman" express, through his secretary, Don Luis de la Rosa, his profound desire for the cessation of hostilities. When Anaya entered on the Presidency, and Peña y Peña was no more than a member of the cabinet, he retained the same feeling, and in the latter part of November offered to appoint commissioners for the purpose of arranging the terms of peace. But in the mean time, the President and his cabinet at Washington had been convinced by the result of the armistice of Tacubaya, that it was

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not by such a negotiator as Trist that a satisfactory issue could be arrived at; and he had been recalled. This fact Scott (who was empowered to act as commissioner) was directed to notify to the Mexican authorities; and at the same time Trist was required to break off any unfinished negotiations, and to take with him to Washington any treaty he might have concluded, when he received his notice of recall; which was reiterated in the next despatches, his government growing more discontented with his course of action. But, notwithstanding this recall, Trist was resolved to contrive to act as American commissioner, and he announced this intention both to the cabinet of Washington and to the Mexican government at Querétaro.

It was at this stage of these events, that the lamentable dissensions amongst the commanders of the American forces became matter of public notoriety. We are not surprised to find the general-in-chief accused of a disposition to engross to himself all the praise for the successes of the campaign. It must be remembered that he had been placed in command, though a political opponent of the President, under such circumstances as to suggest, if not to justify, the scandalous allegations we have alluded to in the former page. He had the evil results of the Tacubaya armistice to compensate for. General Taylor was of the same political party, and as all success in war was only so much political capital, it was necessary to accumulate such a quantity as would exceed that of the victor of Buena Vista. Besides, repeated general orders had shown that strict military subordination was not easily maintained amongst the rank and file, even when every soldier, though he did not "carry a marshal's baton in his knapsack," was a possible President or officer of state, and certainly a voter and a citizen. So that it is not wonderful if generals of division were insubordinate at times. It was Scott's fate to be involved in disputes, some of them sufficiently warm ones, with three of his immediate inferiors in command, at the same time; and he put two of his opponents, General Pillow, whom Trist looked upon as a personal enemy, and the cause of his recall, and General Worth, whom newspaper correspondents had praised to an extent which seemed to reflect upon himself, under arrest.

This state of things could not be advantageous to the cause which Scott had to represent, and maintain in arms, in Mexico; and it seemed to the President and his cabinet, that although little fault could be found with what was actually done by the general in maintaining order in Mexico, his plans of action with regard to the reinforcements he received were objectionable, whilst he did not actually carry even them out. The disobedience of Trist to the positive and repeated recall he had received appeared also to have taken place under his sanction, and could not have happened without his knowledge and coöperation. We must also add, as elements of mischief, and coincident causes of such things as we shall have to relate, the long inactivity of the army in occupation of Mexico,—the relaxed discipline, as shown in the allowance of gambling establishments,—the permission of a more than proportionably numerous and disreputable throng of camp-followers,—and the



publication of some of the lowest-class newspapers in the camp, by persons the least qualified in any respect for such an occupation.

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Amidst all these things the unauthorized negotiations which Trist had commenced proceeded, and on the 2nd of February, 1848, the treaty of Guadalupe Hidalgo was the fruit of them. It was signed on that day, in the town so named, by Trist, on the part of the American government, which he had ceased to represent; and on the part of the Mexican government—which could scarcely be said to exist at all, so perturbed, and vague, and wanting in means of all kinds was it—by Don Luis G. Cuevas, Don Bernardo Couto, and Don Miguel Atristain. There were thirty-three articles, and one additional and secret article, (to make it look like the treaties contracted between the great powers of the Old World, we suppose,) merely stipulating that the ratification by the government of Washington might be deferred four months beyond the term fixed in the open articles of the treaty. And the principal conditions contained in it were—the restoration of peace; the cession not only of Texas, but of New Mexico and Upper California also, to the United States; the payment, in consideration of this cession of territory, of fifteen millions of dollars by the American government, and of the claims of the citizens of the United States against the government of Mexico, (of which we formerly heard so much,) to the extent of three millions and a quarter of dollars; and a compact to restrain the incursions and misconduct of the Indians on the northern frontier.

From Brantz Mayer's work on Mexico we quote the following self-laudatory paragraph, in continuation of the history of this treaty:—"This important treaty, which, we believe, [very groundlessly, it must be admitted,] history will justly [no reader will confound the functions of *advocate* and *judge* in the court to which appeal is made, so as to mistake the value of this "justly"] characterize as one of the most liberal ever assented to by the conquerors of so great a country, was despatched immediately by an intelligent courier to Washington; [future commentators will be in danger of supposing that the electric telegraph was in operation between "the Halls of the Montezumas" and the White House; we, therefore, observe that the discriminating epithet applied to the courier who conveyed Trist's Treaty to the President, only indicates that he was *living* and *had a vote* in some one of the United States:] and, notwithstanding the irregularity of its negotiation after Mr. Trist's recall, was at once sent to the Senate by President Polk. [Of this singular and informal haste we shall speak anon.] In that illustrious body of statesmen it was fully debated, and after mature consideration ratified, with but slight change, on the 10th of March. Senator Sevier and Mr. Attorney-general Clifford resigned their posts, and were sent as plenipotentiaries to Mexico, to secure its passage by the Mexican Congress."

Before this was accomplished, another remarkable incident in this great historical drama occurred. We have spoken of the dissensions amongst the commanders of the victorious army; and we have hinted at the dissatisfaction which was felt at Washington, respecting some part of the conduct of the

CHAP. II. commander-in-chief. Soon after the conclusion of the treaty of Guadalupe Hidalgo, orders arrived at Mexico, by which General Scott was superseded in the command, and General Butler was appointed in his place. A court of inquiry was also commissioned, to investigate the matters in dispute amongst the general officers; which, after sitting in Puebla and in Mexico, was transferred to the United States, and sat in various places, and finally in Washington. The charges preferred by General Worth against Scott were withdrawn, and those brought by Scott against some of the officers under him were also withdrawn; upon General Pillow's conduct the court reported in July, 1849, blaming some part of his conduct, but not recommending any further notice to be taken of the subject. In fact, the whole affair was palpably futile and vexatious.

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In order to understand this acceptance of a treaty negotiated by a commissioner whose powers had been recalled, and who was avowedly disobeying orders in treating with the enemy's government; and the superseding and trial of Scott just when the object of the expedition he commenced was gained; we must remember that the year 1848 was the election-year for the next Presidential term, and that there was no hope of Polk's reëlection, unless he could secure such "capital" as the conclusion of this treaty would bring; and also prevent any one else from standing before him in sight of the people. Taylor had been (it was considered) adroitly shelved by putting Scott over him, and intrusting to him the conduct of the grand expedition; and now Scott (as it was hoped) was thrust aside by this process against him. We have already related the issue of the canvass and the election: by no expedients could Polk retain the numerical superiority on the side of his party; Scott had apparently no prospect of success; and the conqueror of Buena Vista was raised by the renown of that great victory to the highest honours the nation could bestow.

Under the command of General Butler nothing of a military nature was done, except some movements against the few *guerrilleros* that still haunted the line of communication between Mexico and Vera Cruz. In April, 1848, Santa Anna, with the permission of both Mexican and American authorities, let the land which he neither could defend for his countrymen, nor would relinquish to its invaders. To both, his admission at this critical period was disastrous enough; the blame of it must remain with those who admitted him.

"On the 25th of May, a brilliant *cortège* of American cavalry was seen winding along the hills towards Querétaro, as the escort of the American commissioners, who were welcomed to the seat of government by the national authorities, and entertained sumptuously in an edifice set apart for their accommodation. The town was wild with rejoicing. Those who had been so recently regarded as bitter foes were hailed with all the ardour of ancient and uninterrupted friendship. No one would have imagined that war had ever been waged between the soldiers of the North and South, who now shared the same barracks, and pledged each other in their social cups. If the drama was prepared for the occasion by the government, it was certainly well played,

and unquestionably diverted the minds of the turbulent and dangerous classes of the capital, at a moment when good feeling was most needed. CHAP.  
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“ Congress was in session when our commissioners arrived, and on the same day the Senate ratified the treaty, which, after a stormy debate, had been previously sanctioned by the Chamber of Deputies. On the 30th of May, the ratifications were finally exchanged; and the first instalment of indemnity being paid in the city of Mexico, our troops evacuated the country, in the most orderly manner, during the following summer.” A. D. 1845  
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We must now rapidly glance at some subjects connected with the war, which can best be spoken of apart from its general story. And first of the extent of territory acquired by the treaty of Guadalupe Hidalgo. The total area of Texas was three hundred and twenty-five thousand five hundred and twenty square miles, of which no less than a hundred and twenty-five thousand five hundred and twenty were not properly included in its boundaries, but were only “claimed” by the *filibuster* settlers there, when they proclaimed it an independent state. New Mexico and California, as ceded by this treaty, contain five hundred and twenty-six thousand and seventy-eight square miles; so that eight hundred and fifty-one thousand five hundred and ninety square miles (or, as others say, above nine hundred thousand) were by this treaty definitively added to the area of the United States—a tract “seventeen times the extent of the Empire State,” “four times the size of France, and five times that of Spain.”

Since this time, by “the Gadsden Treaty,” concluded on the 30th of December, 1853, and ratified in the course of the following year, the boundary between the Rio Grande and the Pacific has been removed further to the south, cutting off another cantle from Mexico; for which compensation to the amount of ten millions of dollars was given. Most remarkably, President Pierce, in announcing the conclusion of this supplementary treaty to Congress, employed precisely the same language as President Polk had used to justify his war against Mexico. “The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country; but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many more cases have been recently added to the former list of grievances.” There is the same vagueness and declamation which we have noticed in Polk’s Messages; and the meaning of the loud-sounding phrases is explained by a payment of ten millions of dollars for a very narrow tract of country; in like manner as we have seen in the treaty of Guadalupe Hidalgo. We need not follow Pierce into his denunciation of the “foreigners” who were “stimulated” by the “defenceless condition” of the Mexican “frontiers,” to “embark in hostile enterprises” against that country; for we can see they had this “Gadsden Treaty” to justify them, and some of these “foreigners” were known to be American citizens, and to have carried “the stars and stripes” with them. We must now look at the gross cost of these territorial gains.

Fifteen millions of dollars was the sum to be paid to Mexico by the treaty



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of Guadalupe Hidalgo ; next, the claims of the "outraged" and "injured" citizens of the United States,—which were rated at above eleven millions, when the government was striving to make a *casus belli* out of them, and which shrank to a little more than two millions before the commission of arbitration, and were limited (after a great many more had been discovered) to three millions and a quarter by the treaty of Guadalupe Hidalgo,—amounting to about two millions and a half in actual payment ;—making, with the addition of about three millions more awarded in accordance with another article of the same treaty, a total of more than twenty millions (or thirty millions, if we add the "Gadsden Treaty" payment) paid either to or for Mexico, for Texas, New Mexico, and California. In addition to this, we can trace through the columns of yearly expenditure, beginning with 1846, and ending with 1854, a total of more than one hundred millions spent in various ways on account of this war, and the acquisition of this territory. And if to this we add the bounties and pensions, and the payments to and for Texas, we shall reach a grand total exceeding a hundred and fifty millions of dollars ! Yet, enormous as this amount is, other historians of the war have estimated its cost at a far higher sum.

The cost of the war in human lives is equally appalling. The highest returns of the regular army in Mexico at any one time show an "aggregate present and absent" of twenty-five thousand men ; the volunteers may be reckoned at about thirty thousand ; which will give a total of *fifty-five thousand men*, under Scott, Taylor, and all the other separate commands, under arms in the field, in garrisons, in hospital, &c. The entire number of regulars who served in Mexico was twenty-seven thousand five hundred, and of volunteers, seventy-one thousand three hundred ; making a total of ninety-nine thousand. But the numbers "discharged" and "resigned" amounted to forty thousand ; and the desertions were reckoned at almost five thousand ; which leaves fifty-four thousand,—a number sufficiently near to the total we gave above, to demonstrate it approximately correct. In the returns from which we take these items, we are told that fourteen hundred fell in battle, or died of their wounds afterwards ; and that above seven thousand perished by accident or disease in Mexico ; showing a total of eight thousand four hundred only. But there is appended to the tables before us this suggestive note :—"The actual loss under the heads of 'number of discharges' and 'ordinary deaths' is probably *much greater* than is exhibited, as the muster-rolls of many regiments are missing." Persons familiar with these questions, reasoning from correctly ascertained data, calculated the total loss from battle, disease, and all causes,—but all to be included under "**THE WAR**,"—at *five-and-twenty thousand men* !

These numbers alone, when compared with the losses sustained by Russia, France, and Great Britain, in the war now ended [1856], are small ; but, compared with the number of men sent into the field (the distance of the seat of war from home, and the fact that these were *citizens, not subjects or serfs*, being taken into the account), it is enormous, and leads to a conclu-

sion regarding both the war and the conduct of it, by Administration at home and generals in the field, very different from that laudatory one announced by President Polk, in his last Annual Message, to which we have referred in the preceding chapter.

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At the conclusion of this panegyric, he thus spoke of the future effects of what the United States had done and gained: "The great results which have been developed and brought to light by this war, will be of immeasurable importance in the future progress of our country. They will tend powerfully to preserve us from foreign collisions, and to enable us to pursue uninterruptedly our cherished policy of 'peace with all nations, entangling alliances with none.' Occupying, as we do, a more commanding position among nations than at any former period, our duties and our responsibilities to ourselves and to posterity are correspondingly increased. This will be the more obvious when we consider the vast additions which have been recently made to our territorial possessions, and their great importance and value." And he proceeded to descant upon the extension of the boundaries of the United States' territories which had been effected under his auspices. It remains to be seen whether that "cherished policy" can overcome the thirst for martial glory awakened by this war, and the confidence in the military power of the nation it engendered. It cannot be doubted that it has raised *filibusterism* well-nigh to the eminence of a "party," and so has done more to embroil America with the states of Europe than anything that has been since the *Gallomania* of Jefferson. This must not be lost sight of, in estimating the price paid by the United States for the wide tracts now won from Mexico.

One item in the cost of this war must for ever remain unknown. Not even in imagination can the blank be filled up, nor in the remotest approximation to facts. The loss of Mexico in lives and treasure,—this cannot be counted. But we can tell how cruel it was, by the subsequent history of that most unhappy land, which has been an almost uninterrupted series of revolutionary panics and crises, each one disclosing greater feebleness in both people and rulers than that preceding it, and each one bringing on more rapidly their inevitable doom.

We should utterly fail in our duty as historians, if we did not indicate one feature in the minute narrative of these campaigns, which, whilst it shows that the "duties and responsibilities" of which Polk spoke had been, up to the time of his speaking, as palpably neglected in small things, as our record of the causes of the war showed them to have been overlooked in great ones,—may well serve to moderate that confidence in the military strength of the nation, which is so much more likely to hurry it into war, than to enable it nobly to maintain peace. We do not speak here of the unsteadiness of the volunteers in the field of Buena Vista, because in the later campaign the effects of longer training, in preventing such unsoldier-like conduct, were sufficiently visible. We speak of the displays of ferocity, and of every most frightful criminal disposition, which are never to be wondered at in the armies of Europe, because of the manner in which they are raised, and the purposes

CHAP. they subserve ; but which ought not to be so much as suspected in connexion with armies of citizens whom patriotism has converted for a time into soldiers.

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If any " incidental argument " were required to confirm the view we have taken of the morality of the Mexican War, it would be the stories of robbery, outrage, and murder, which all the public prints of the time told of the soldiers—and particularly of the volunteers—of the army of Mexico. Revolting as they are in their details, and appalling from their frequency, we are not permitted to question their accuracy ; for the " General Orders " of the commander-in-chief alone would by their denunciations and prohibitions tell the same tale. The execution of fifty deserters from the regulars, on one occasion, points in the same direction. They were Irishmen, serving, as so many do, in the United States' army as " mercenaries " merely. They ascertained that the Mexicans were co-religionists with themselves, and on that account they deserted. They were captured in the battle of Molino del Rey, and in earlier fights ; and they were all hung, though the severest military discipline would, under the circumstances, have been satisfied by the capital punishment of the most prominent, and the penal disgrace of the remainder. Nor was this all. The officer (we will not give his name) to whom the execution of thirty of them was committed, kept the wretches under the gibbet, with halters round their necks, whilst the fort of Chapultepec was stormed, with the design of making their death-agonies more poignant by the sight of the victory of the cause they had forsaken.

One of Scott's " general orders " announced that for outrages committed upon the Mexicans, several Americans had been punished by fine and imprisonment, and one " hung by the neck." Perhaps no fact can be stronger than this, in proof of our allegation ; therefore let it be well noted,—the one hung " was a NEGRO, and hence no military popularity was lost by his execution, and being a *free* negro, no *property* was destroyed ! " " We have no evidence," continues our authority, " that during the whole war a single *soldier* was punished with death for any outrage committed on Mexicans, however atrocious ! "

These facts, together with the stories of the soldiers' destitution of clothing when in Mexico, and the marvellous facility with which most of the victories were gained,—the enemy scarcely knowing how to use their weapons,—should be borne in mind, not only when Polk's notice of the war, in its various aspects, is read, but still more when the possibility or necessity for war with other nations is agitated and discussed in the United States. Of this, and also of the motives which impelled the Americans into the war with Mexico, sufficient has been said in the former part of the present chapter, and in the preceding one ; some other facts and remarks will be more appropriate when we speak of the States separately.

Here, therefore, nothing remains to be added except this observation, which, whilst it in nowise affects the morality of the war, as far as its originators and agents were concerned, justifies it, and vindicates for it a position



amongst the means by which worthy designs of the high providence of God are accomplished. It is impossible to compare, even in the most cursory manner, the existing condition of the tracts reft from Mexico at this time, with the previous condition of them, and with the state of the Mexican territory adjacent to them, without assenting heartily to the transfer of those countries to the possession of the people that has shown itself so well able to discover and to develop their natural riches and capabilities. It is not the function of History to discuss the problems of Theodicy; but when they are forced upon its attention it must needs pause to note them, that they may not be overlooked by those who of right handle such subjects. And with the same intent we point out the extraordinary and almost awful fact, (to which allusion has before been made,) that the people to whom the execution of these "judgments of God" has been committed, have so far entered into the spirit, and appreciated the nature of their commission, as forcibly to call to mind those magnificent creations of the poets of the ancient eastern world,—the *Eumenides*, Azrael, and other similar embodiments of the same principles,—as they are depicted discharging their sublime and fearful duties amongst men.

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And hence we are led to anticipate for this nation, whose infancy is thus wonderfully thrown, not amongst the mists and shadows of antiquity, but in the high noon of the passing century,—when it shall have been duly trained and purified by processes, resembling those which have exalted and instructed other nations, and yet, perhaps, widely differing from them,—tasks and duties, and, resulting from the performance of them, a position in the world as noble as its privileges have been singular. To the fulfilment of which hope they will best subserve, who shall now speak and act most in accordance with the spirit of that grand future, and thus most effectually invite and help their fellow-citizens to aspire unto it, and fit themselves for its enjoyment.

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### CHAPTER III.

STATES' AFFAIRS DURING THIS PERIOD.—TEXAS.—IOWA.—WISCONSIN.—TERRITORIES OF OREGON AND MINNESOTA.—CONSTITUTIONS AMENDED AND RENEWED.—LOCAL AFFAIRS.—PRESIDENT'S TOUR.—TRADE AND COMMERCE.—INDIAN AFFAIRS.—SLAVERY.

PROPORTIONALLY to their intenser and more personal interest, the affairs of the States, as distinguished from those of the Union, are more difficult of treatment in these most recent periods than those of wider import. On this account, as well as under the constraint of the necessary limits of our work, our notices under this head must now be more brief than before. Yet we

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shall endeavour to indicate the direction and the amount of the progress of the United States, as shown in the matters which were of purely domestic concern, so clearly as to satisfy those of our readers who have followed us to this time in tracing the growth of their country in its most characteristic and vital department.

Three new States were added to the Union during the four years of Polk's chief magistracy. And of this Texas, on every account, stands first. The organization of this extensive region as an independent state we have already detailed, when on the application of its citizens for the admission of its "Lone Star" into the constellation that sparkled in the chief of the national escutcheon, it was deemed requisite that such modifications should be made in its constitution as would fit it for working as part of a confederation, under such a Constitution as that of the United States. Accordingly, a convention was assembled at Austin on the 4th of July, 1845, which, after accepting the first alternative offered by the Congress, proceeded to form a constitution. On the 27th of the following month their labours were concluded; and on the 13th of October the new instrument of government was ratified by the people.

By it the right of suffrage was conceded to free white males of full age, citizens of the United States, or of Texas at the time of its admission, resident in the State for a year, and in the place of voting for half a year, before an election. The sessions of the legislature were made biennial; and consequently representatives were chosen for two years, and senators for four; (half of them to leave office every second year;) the governor and lieutenant-governor were also to be chosen biennially. All these officers of state were required to be voters and residents in Texas, the representatives for two years, the others for three, and both senators and representatives for the preceding year in the district they should be chosen for. The numbers of the last named were to vary between forty-five and ninety; and of the other branch of the legislature between nineteen and thirty-three.

There were also to be a secretary of state and an attorney-general, nominated by the governor and confirmed by the senate, and a state-treasurer and comptroller of accounts nominated every two years by the two houses. The veto-power of the governor was made of no avail against a vote of two-thirds of both houses of the legislature. The judges were to be appointed by the governor and the senate.

Some of the miscellaneous provisions of this constitution may also be noted. Thus, the being concerned *in any way* in a duel, and the sending or accepting of a challenge, disqualified for public office:—a wife's property, of all kinds, and whenever acquired, was secured to herself, personally:—corporations for the purposes of banking and discounting were utterly prohibited:—a permanent fund was created for the purpose of providing free public schools, by the setting aside of a tenth of the annual revenue of the state derived from the taxes:—and arrangements were made for the periodical revision, methodization, and publication of all the laws; and for the facilitation of amendments to the constitution.

On the 19th of February, 1846, the State government under this constitution was organized; the treaty of Guadalupe Hidalgo, as we have related, confirmed all that had been done; and we may add that the western boundary-line, which was one of the alleged causes of the Mexican war, was settled by compromise in 1850, the line of the Rio Grande, north of the thirty-second parallel, being given up by Texas.

We gave an abstract of the constitution framed by the constituent convention of Iowa in the second chapter of the last book, and told how it happened that this State was not then admitted into the Union. It only remains to be added here, that in the course of the year 1846, Congress passed a law determining its boundaries in a manner more acceptable to the citizens of the State, and providing anew for its admission; that on the 3rd of August in that year, the people ratified the work of that convention, and agreed to the proposal of Congress; and that before the end of 1846, it was recognised as a member of the confederation, and organized as an independent sovereignty.

Provision was made by act of Congress in March, 1846, for the organization of Wisconsin as a State, and its admission into the Union. But the constitution which was adopted by the convention which met at Madison, between October the 5th and December the 16th following, was rejected by the people in April, 1847. A second convention, therefore, assembled on the 16th of December, 1847, and agreed to a constitution on February the 1st, 1848, which was ratified by the people in the following April.

This instrument gave the right of voting, not only to the usual class of citizens, but also to white foreigners who should have declared their intention of being naturalized in the United States, to persons of Indian descent, who might ever have been declared citizens, and to "civilized persons of Indian descent," not members of a tribe. And amongst other grounds of disqualification, conviction of *betting on an election* is enumerated. The legislature, whose sessions were to be annual, was made to consist of a senate and an assembly; the latter to vary in number from fifty-four to one hundred, and the former between one-fourth and one-third the actual numbers of the other house. The assembly-men were to be chosen annually, and the senators biennially, half of them retiring each year; and their qualifications were the possession of the suffrage, and residence of a twelvemonth in the State. The governor and lieutenant-governor (who were only required to be citizens of the United States, and voters in Wisconsin) were to be chosen for two years, either by the electors, or, in their default, by the legislature. The secretary of state, treasurer, and attorney-general were also to be chosen each for two years, at the general elections. The choice of judges was also given to the people.

The following are some of the miscellaneous provisions of the instrument: Banking corporations might be established, if a majority at a general election should approve the establishment beforehand, and another approve the act after it should be passed. Any person implicated in a duel, was not only disqualified for office, but also lost his vote. Slavery and imprisonment for debt (on contract) were equally prohibited. Tribunals of conciliation,



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with the powers of arbitrators, might be established. Education, amendments of the constitution, and freedom of opinion, were also cared for by judicious provisions.

Not till the close of the first session of the thirtieth Congress, was an act passed to organize the territorial government of Oregon; and the provisions of this fundamental law did not differ, except in minor matters, from those of other territories,—the citizens having conceded to them the power of electing a legislature (whose laws, of course, would require the sanction of Congress), although the executive officers and judges were to be appointed by the President. The benefits of the ordinance of 1787 were guaranteed to the people; which in effect signified that no attempt to force slavery upon them was intended. And along with other advantageous regulations came these:—"No bank, or anything like a bank, shall be chartered or permitted to exist in the territory, as a branch of an institution chartered elsewhere, or otherwise;"—and, "salmon must not be prevented from passing up and down the streams." The organization of the territory of Minnesota followed from the establishment of Wisconsin State, it having been formerly included within its limits; and it was effected by an act, which was approved on the last day of Polk's term of office; but there was nothing in the forms of government established by this law, sufficiently different in principle or details from those set up in other territories, to require especial notice. How the bill to establish a similar government for California failed, together with the premature erection of an independent government in New Mexico, has been recorded in the first chapter of this book.

Three States of mark amended their constitutions during the Presidency of Polk—New York, Louisiana, and Illinois. Louisiana effected the renewal of its political "covenant" in the course of the year 1845. Residence for two years in the State, and for half that time in the parish wherein it was proposed to vote, were now required for the right of suffrage; and many disqualifications were established. The maximum number of representatives was doubled; and at least one was assigned to each parish. The number of senators was also doubled; and the intervals between the successive censuses, to determine the distribution of the legislators, was lengthened, in the first instance to eight, and then to ten years. The life-tenure of the judges was abolished; and appointments made for eight or six years. Corporations for banking were declared unconstitutional; and the remotest implication in a duel disqualified for office, and deprived of the suffrage. New York did not materially alter those parts of its constitution which related to the legislature and the executive; but it made a great and (as we think) undesirable change in the system of appointment for its judges; who, instead of receiving their seats from the governor and senate, and retaining them during good behaviour, or till they reached the age of sixty, were now elected by the people, for periods of four and eight years. The State canals, the system of finance, and corporations for commercial purposes, were also the subjects of fundamental laws. This amended constitution was the work of 1846.

Illinois revised its constitution in 1847, and its people ratified the new instrument in the year following. The increase of the numbers of its legislature was one principal feature of it, and the extension of the term of residence required to give votes to citizens, from half a year to a year, another. Here too the office of the judges was now made elective, and for limited periods; and banks, slavery, lotteries, duelling, and coloured persons, were prohibited within the boundaries of the State.

At this time, in the course of the year 1846, Congress by special act retroceded to the State of Virginia so much of the District of Columbia, comprising the city and county of Alexandria, as had been contributed by it originally to establish the Federal District. Columbia was thus reduced from a hundred to sixty square miles in extent.

General histories of a country like the United States must always labour under one great defect,—they cannot depict the actual history of the people, being taken up with the foreign and other general affairs of the confederation, and able at most to represent *in mass* the growth of the sources of national wealth, and of the means of extending and diffusing civilization. The local or State historian, on the other hand, though he actually furnishes the “materials” for such a history, is prevented by his narrow limits from supplying this defect. We here, as before, offer a selection of the events and matters, which may intimate to the inquirer the kind and amount of activity and energy displayed in the separate sovereignties composing the United States; but we deeply regret that we cannot speak of the schools and colleges, the prisons and penitentiaries, the hospitals and asylums, the associations for religious, philanthropic, and literary and scientific objects, and all those other institutions which so honourably distinguish America, and the Northern States in particular, and give assurance to the hope that, refined from all impurities, all its errors corrected, the great Modern Republic shall yet play no undistinguished part in the advancement of the human race in freedom, knowledge, and holiness.

One subject, of somewhat more than local interest, demands attention at the outset,—*Mormonism*, and its settlement in the Great Salt Lake Valley. In the last Book we spoke of this new “faith” and its martyr-“prophet,” and intimated that its followers were forcibly attacked in their town of Nauvoo, Illinois, in 1846. They received sufficient intimation of the design of those who then made war upon them, for all through the year 1845, as they said, they “lived a life of sturt and strife.” And it must be observed, that had the authorities of the Union chosen to prevent the outrages which followed, they had sufficient notice of them before-hand. Unquestionably, the social and domestic principles of these “Latter-day Saints” were bad enough; but in a civilized community, laws and legal tribunals exist for the very purpose of punishing, or deterring the carrying of such principles into overt acts; and it is a worse offence against society to undertake the punishment of those holding these tenets by armed violence.

To such a length were preparations for forcibly expelling them carried,

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III. to seek a home beyond the barrier of the Rocky Mountains; asking only to  
A. D. 1845 be allowed to depart in detachments, and to dispose of their land and pro-  
to 1849. perty. From February to August, in accordance with their agreement, continual trains of ox-waggons set out from the Mississippi valley, across the great interior desert, to the unknown regions of the farthest west. Others chartered a vessel at New York, and made their way to the new "land of promise" by the perilous passage round Cape Horn. They were subjected to incessant annoyances from all who could reach them. In order to prove that they were not traitors to the Union, and had no intention of exciting the Indians or helping the Mexicans against the United States, some of them were forced to join in Kearney's expedition; and, after proving excellent soldiers for the kind of warfare he engaged in, were disbanded in Upper California; where—as if to verify their claims to the peculiar favour of Heaven—one of them discovered the golden treasures of that land.

But although the Mormons kept their word, their enemies did not scruple to break their engagements with them. In September, 1846, under the pretext that the scanty remnant of the once-flourishing population of Nauvoo did not mean to leave, their impatient adversaries bombarded the city for three days, and expelled all who remained to dispose of the property of the fraternity with fire and sword. The mystic temple, which had been carefully completed, and adorned, and consecrated, and then despoiled by the hands of the worshippers, was defiled and polluted; every indignity, which unresisted force could devise to celebrate so dishonourable a victory, was inflicted upon those who now saw the last dream of their "foolish prophet" dissipated. The sufferings of those who first set out on the long and toilsome march in quest of a new home, had been great. Indeed, every stage and process of the emigration was marked by loss and suffering: yet uncomplainingly the people followed their leaders; and at length, when the war was concluded, there were some five thousand energetic and enterprising settlers ready to occupy one part of the territory acquired by the United States, and that the most unpromising of the whole extent,—the valley of the Great Salt Lake, of which Jefferson had heard. Here, as soon as they had fixed upon the site of their capital, they organized (provisionally) a regular government, under the designation of the State of Deseret, and at the head of it they placed the successor to Joseph Smith, their new prophet Brigham Young. Subsequently, on application for admission to the Union, the name and form of government were disallowed, and even the presidency of their prophet; but the history of the territory of Utah belongs to a later time than we have reached.

It cannot be said that the existence of gold in California was unknown till the Mormon "volunteers," in returning from their compulsory service against Mexico, lighted upon it; for the mines in Sonora had originally attracted the scanty immigrant population that had settled there. But the fact seems to have been forgotten, and hides and tallow, and those only for manufactured goods in exchange, were the sole commodities which the region offered to



the few vessels which wandered so far aside from the great highways of commerce. Lewis and Clarke first opened this country—so near, and yet so far off—to the knowledge of the United States; and in 1842, Captain Fremont, whom we have met with in another *scientific* tour in this region, explored the paths across the Rocky Mountains leading to it; and in the course of that journey he once pitched his tent on the richest spot in all California, and he and his little band endured unimaginable want there, without being at all aware that the soil under his feet teemed with gold.

Long before the inexhaustible mineral wealth of the region was known, as soon as ever it had been “annexed,” in the informal and summary manner we have related above, to the United States, streams of the most restless of the American population, who had penetrated to the eastern margin of the great desert of the Missouri valley, hearing of the *farther* west thus made accessible to them, began to meander across the plain, and finding their way through the chinks and crevices of the great mountain barrier, to flow towards the sea-coast of the Pacific. The Mormons, as we have just said, were amongst the earliest of those explorers, although they had not the intention, as almost all the others, of acting on the famous motto of Charles the Fifth—*plus, ultra!*

But no sooner had tidings that the precious metal had been found there in great abundance, and accessible to any who could wield pick, handle spade, or wash alluvium, in the spring of 1848 reached the eastern shores, and been confirmed by the exulting proclamation of the fact by the President in his last Annual Message at the end of the same year, than such a general movement to this new *El Dorado* took place, as the world had never before witnessed. In about one month after the publication of Polk’s Message, a hundred vessels left Atlantic ports of the United States (more than half from New York alone) for California! Speedily, the news was carried to the Old World, and excited a commotion there, which for a time surpassed that of “the year of revolutions;” and then spreading still further made its influence felt amongst every people on the face of the earth, and drew to the little-known and rarely visited western shore of North America, such numbers of every race, and tongue, and clime, as had not been seen in one assembly since the dispersion from the plain of Shinar. The most conservative and immovable peoples were affected equally with the most fickle and impressible; nor did California cease to be the dream of all whom gold would charm, until the still richer auriferous regions of Australia, increasing the *furor*, divided the attention of men. Many were then drawn from California itself, and the catastrophe which observant minds had dreaded for America averted, perhaps for ever.

In 1846, the population of California, not Indian, is said to have amounted to some fifteen thousand souls; and at the end of Polk’s Presidency, to double that number; and of this thirty thousand, less than half, it is added, were Americans. The census of 1850 is too untrustworthy in its report of this tract to be implicitly relied upon; it showed a total of less than a hundred and twenty thousand. Senator Douglas *estimated* the total at a hundred and

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eighty thousand ; a State census in 1852 showed a total of above two hundred and sixty thousand ! Of the produce of the labours of this rapidly increasing population in gold-washing and digging, we have no clear and reliable information at this period ; but we find from the yearly reports of the Mint of the United States, that the gold, denominated " United States' Bullion," deposited for coining in the year 1849 (over and above the average yield of the gold mines in the Atlantic States,—less than one million of dollars' worth) was above six millions of dollars' worth ; whilst the whole quantity of Californian gold deposited at the Mint, up to August, 1850, was over twenty-four millions of dollars' worth ; and the total quantity, according to the latest accessible report, deposited, amounted to no less than two hundred and sixty-four millions and a quarter of dollars' worth ! This is, of course, wholly irrespective of the quantity sold directly to other countries, most of which went to France and Great Britain ; and that retained for use in various manufactures.

" It is remarkable of the Americans, [it is an American who is speaking,] that they are an order-loving and law-abiding people, in the strictest sense of these terms. [Lest it should be imagined, for a moment, that this is satire, we will say, we quote De Bow's " Industrial Resources,"—a *Southern* book.] The condition of things found [and in good part, too, *created*] by them in California could not long subsist. *Government* seems to be with them an instinct and a passion. [The writer evidently does not mean that they have, in the South, *a passion for being governed* ; neither does he speak of *self-government*,—no unimportant matter, in relation to his subject. We are fain to leave the remark as we find it, somewhat obscure, though well-sounding.] Three legislative bodies were organized, respectively, at San Francisco, Sonora, and Sacramento, with the prospect of others still, and of much confusion and conflict of laws and institutions. Congress adjourned without extending any relief to the country,"—as we have, in fact, seen. And our readers can without much effort tell the kind of law which was sure to prove the most popular and the only sort administrable under the circumstances—" *Lynch law*."

Amongst the affairs which we have designated " local," we have placed the " tour " of the President in New England, during the summer of 1847. With the particulars we are not interested, but we remark it because Polk was a *Democrat*, and it still further shows the great change which had come over the feelings of his political party since Jefferson denounced the journeys of Washington as attempts to bring the Union into monarchical thralldom. The object of this " visit " was so patent as to be almost avowed. The next year was the election year, and New England was the stronghold of his political opponents ; could he, as Jackson was believed to have done, go there and charm them by his affability and manifestation of concern for their interest, he might perhaps secure a sufficient number of votes to turn the scale in his favour. And there was need to carry the war into the enemy's country.

For in the spring of that same year, Daniel Webster, the chief of the Whig statesmen, if not of *all* the statesmen of the Union, had indulged himself in a

*Southern tour.* "He was accompanied on the excursion by his family. They passed hastily through Virginia and North Carolina, to South Carolina. At Charleston he was received with the most distinguished attention and cordiality. He was welcomed on his arrival by an assemblage of the most respectable citizens. Entertainments were given him by the New England Society and by the Charleston bar. At these festivals, the sentiments and speeches were of the most cordial description. Similar hospitalities and honours were paid him at Columbia, Augusta, and Savannah. No trace of sectional or party feeling detracted from the warmth of his reception. His visit was everywhere regarded as an interesting public event. Unhappily, his health failed him on his arrival at Savannah; and the advance of the season made it impossible for him to execute the original project of a journey to New Orleans. He was compelled to hasten back to the North." Now Webster was justly ambitious of occupying the President's chair; and his tour would at least have made Whig votes for whatever candidate the party might accept; and on that account it was needful to attempt at least to counterwork it: the effort, however, was vain; for (as we know) Zachary Taylor was chosen in 1848.

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Once more, and for the last time, we must speak of John Quincy Adams. Our last notice of him was in connexion with the tours of President Jackson and aspirant (if not candidate) Clay; and we then told of the courage and diligence and magnanimous meekness with which he, who had been at the head of the nation, discharged the humbler duties of Representative, to which his fellow-citizens had called him. Most appropriately, it was his lot to die in harness, and at his post in Congress. Smitten down with a paralytic stroke in the midst of a sitting in the business of which he had taken a part, he could not be removed from the Capitol; but there, in the Speaker's private apartment, adjoining to the hall where his noblest service to his country had been performed, after lingering two days, he died on the 23rd of February, 1848. He was the last public man in whom glowed the old fires which had burned so clear and bright in the birth-struggle of the United States. He was not, it is true, one to take rank amongst those glorious patriots whose daring and enduring had shorn from the empire of Britain the fairest province it then could boast. But he was of a different mould from the mediocrities whom party conflicts and exigencies, and mere numerical majorities, have since made prominent in the affairs of America. Recording his death, it seems as if the brightness of the nation's glory was sensibly dimmed, or a star had fallen from her crown,—as if the prophet had been rapt away from the people he had rebuked and led, and had not let fall his mantle on any successor.

Next in order, the trade and commerce of the various parts of the Union demand our regard. In order to enable our readers to compare the imports and exports of these four years with those of the preceding terms, we take the years ending with June 1846 and June 1849. The total value of the merchandise imported into the Union in the former of those years fell but little short of the value of a hundred and twenty-one millions and three quarters of dollars; whilst the value of the exported produce of the States



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was under a hundred and two millions and a quarter of dollars. But in the latter year the value of the imports had nearly risen to a hundred and fifty-eight million dollars, and in the year before had exceeded even that amount by seven millions;—and the exports were more than a hundred and thirty-two millions and six hundred thousand dollars in value; and in 1847 had been over a hundred and fifty millions and a half of dollars. In the year ending with June, 1849, the Free States exported domestic produce of the value of more than fifty-two million dollars; and imported goods to the amount of a hundred and twenty-nine millions and three quarters of dollars! The exports of the Slave States, on the other hand, amounted to above eighty millions and a quarter in value, (including, of course—which detracts from the real worth of these statistics—all the produce of the Free States, which is shipped at New Orleans; so that the exports of Free Ohio swell the returns of Slave Louisiana,) and the imports to no more than fourteen millions of dollars' worth, even with all that is carried to the Free States of the Upper Mississippi valley, reckoned amongst the imports of Louisiana!

New York stood preëminent in this year, 1849, amongst the States, commercially considered, as in most other respects; its exports verging upon thirty-six millions and three quarters of dollars, and its imports exceeding ninety-two millions and a half. Louisiana exported less than thirty-seven millions' worth; and imported but a little above the value of ten millions. Massachusetts' exports were above eight millions, and its imports nearly twenty-five. Pennsylvania, exporting less than five millions, imported more than ten and a half. Maryland sent away seven millions and three quarters' worth of its produce, and received nearly five millions' worth from other countries. South Carolina exported above nine millions and a half worth of merchandise, and received less than one and a half. Alabama's exports reached nearly to thirteen millions; those of Georgia exceeded six millions and three quarters; those of Virginia, three millions and a half; those of Florida, two and a half. Maine, too, exported above a million and a quarter of dollars' worth of produce.

The value of the cotton exported by all the South rose from a little more than forty-two millions and three quarters of dollars, in 1846, to more than sixty millions and a quarter in 1849. Pork, in all forms, of which little more than two million dollars' worth had been exported up to 1844, in 1846 rose nearly to four millions, and in 1849 reached nine millions and a quarter. The exports of breadstuffs necessarily fluctuated greatly; in 1847 they amounted to about fifty millions of dollars in value, but in 1846 and 1849 to considerably less than half this sum. A new article of export in 1848 and 1849 was *ice*; and the value of the shipments in the last year was above ninety-five thousand dollars.

The total length of the railways in the United States, in 1849, was six thousand one hundred and seventeen miles; but eleven thousand six hundred and seven miles of electric telegraph wire were in operation under Professor Morse's system alone. The portion of these totals belonging to the

Southern States is so small as not to deserve specification. We have already adverted to the prodigious stimulus given to railroad enterprise by the discovery of gold in California. The schemes spoken of in the first chapter must be added to other indications of wealth and activity in the North, however; since in that section of the Union they originated and were most warmly supported.

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In this connexion, the convention in favour of the constitutional right of Congress to superintend and carry out internal improvements held at Chicago in 1847, and two other conventions held at Memphis, in Tennessee, in 1845 and 1849, also in favour of the control of nationally important improvements in rivers, harbours, and such like, by the Federal government, may be recorded.

We note with satisfaction, that early in 1848 the State of Maryland resumed payment of interest upon its debt; and that "the members of the Mississippi legislature, without distinction of party, opposed to the repudiation of the State bonds sold on account of the Planters' Bank, met pursuant to a call, by a vote [of sixty-nine against five] resolved that some financial plan should be devised for the payment of the bonds, and the redemption of the faith of the State." It would have been more satisfactory had more than this been done; for their real wealth being considered, the fact and the circumstances of the indebtedness of certain of the States is one of those features of his country, on which the true patriot looks with the greatest sorrow.

Indian affairs have gradually dwindled in importance as our history has proceeded, and now they occupy a very small space in the annals of the country. Indeed, here we have only to observe that, by extending their government to the Columbia valley and to California, the United States had been brought into relations, not always friendly, with tribes of the aborigines not before known to the Americans. In California alone, the Jesuit fathers reckoned that twenty different languages, or dialects, (as we should now call them,) were spoken by the natives,—so numerous were the tribes there. We hear of conflicts between the Indians of the Oregon Territory and the United States' soldiers there, in which the latter were not victorious. But the triumphs of the red men, and such laurels as they could gather in war with the whites, were sure to mark them for destruction.

Two enactments of the legislature of the Choctaws, in the year 1846, painfully show the progress they were making in what they supposed was civilization—which to us, who know that they had long ago left that stage of savagery when they used to eat, or torture to death, their captives, and that in no legitimate way, as Indians, they could have become possessed of negro captives, seems to be mere barbarism. One of these so-called "laws" prohibits all negroes, whether free or fugitive, from entering the boundaries of their lands, under pain of receiving "*not less* than one hundred lashes on the bare back," and forfeiting all property found in their possession. The other caricature of the legislation of their former suzerains forbade the emancipation of any slave, except with the permission of the "general coun-

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cil ;" and commanded the *freedman* (if such a one could ever be) to leave their lands, within thirty days, under pain of being sold as a slave again for five years ! And thus we are conducted to slavery once more.

On this hopeless subject we shall say but little. The following abstract of the part of the new constitution of Texas relating to it will show what advance had been made towards freedom in the South. "No law shall be framed to emancipate slaves, except by their owners' consent, by paying a full compensation for them. Emigrants to this State shall not be prevented from bringing their slaves with them, but the bringing hither of slaves as merchandise may be forbidden. Laws may be framed obliging owners to treat their slaves with humanity, and to abstain from injuries to them affecting life and limb ; in case of disobedience to these laws, the slaves may be taken away, and sold for the benefit of the owners. Slaves accused of higher crimes than petit larceny shall have a fair trial by jury. Any one who maliciously dismembers or deprives a slave of life shall be punished as if he had committed the same crime on a white person, except in case of insurrection of such slave."

Why Southern men should accuse those of the North of circulating falsehoods concerning their treatment of their slaves, is not easy to be understood ; since they themselves enact and promulgate as *fundamental laws* such as these. Slavery truly inflicts upon the dominant class injuries only less in extent and moment than those with which it crushes the thralls themselves. Let one other instance, which suggests serious doubts regarding the right reason of the inventors and circulators of the statement, suffice (as it will only too amply) for proof. In De Bow's "Industrial Resources," under the general head of "Negroes," and the particular one, "Diseases and Peculiarities of" them, we find this,—"*Drapetomania, or the disease causing negroes to run away !*"

After this we need not relate the story of the "Pearl,"—which ought, we may say, to be included in every collection of *Memoires pour servir*, made for the assistance of future historians of America,—but may direct one final glance at President Polk and his Administration. How vastly he increased the area of the United States has at length been told, and *how* the acquisition of the new domain was effected. This praise belongs to him ; its worth the future alone can show,—and it may prove that some changes, inevitable in themselves, (for even the Union cannot be exempt from the universal condition of sublunary things,) have been accelerated, and perhaps aggravated, by this same extension of territory, and appreciation of the potency of a species of diplomacy which can be exercised only against the weak, and of the glory of military achievement. In other respects, President Polk walked according to the traditions of his party, and acted like one who, except as President, never could have ranked amongst the *distinguished* men of his time



## CONCLUSION.

GENERAL EVENTS DURING THE ADMINISTRATIONS OF TAYLOR, FILLMORE, AND PIERCE.

THE administration of President Polk forms an era in the History of the United States, as distinctly marked as that indicated by the second war with Great Britain. At the close of this war, America felt herself able to originate a foreign policy, instead of adopting, as she uniformly had till then, the policy of France. Along with the victories and territorial acquisitions of the Mexican war came the feeling that she was entitled to rank amongst the first-rate powers; and hence has arisen a complete change in the spirit and aims of her dealings with other nations. That first era in the development of the external policy of the United States was followed by one in the internal policy of the Confederation, when the Slave-holding interest, by the Missouri compromise, passed from the condition of being tolerated and allowed to exist provisionally, to the attainment of a position of more than equality with its rival interest, in some respects, whilst in others it was placed on the same footing with it. And similarly, this second era in the foreign relations of the Union was followed by one in its domestic relations, marked by the Compromise measures of 1850.

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The seven years which have elapsed since the accession of General Taylor to the Presidency, as the character of these last-named measures will show, are too full of matters of almost personal concern to admit of such full treatment as the times preceding them. We shall, therefore, only in the briefest manner, note the events of largest import in the annals of the nation; and classify them, in order that our rapid survey may be in harmony with the fuller details of the rest of our work.

And first we record the death of General Taylor, when little more than one year of his term of office had passed, on July the 9th, 1850; by which means the chief magistracy of the nation devolved upon the Vice-president, Millard Fillmore, who was little known, but who gave the best possible pledge both to his party and to the people, in the nomination of Daniel Webster as Secretary of State. Three months after the termination of his Presidency, Polk died; so that, had he been chosen for a second term, his party would have experienced the disadvantages of the elevation of the Vice-president to the President's chair. In 1853 General Pierce, whose name we have met with in the Mexican war, and who had been nominated by the Democrats, as the last chance for uniting the action of the party, entered on the Presidential office. He had been elected by the votes of all the States, except Vermont and Massachusetts, Tennessee, and Kentucky, which voted for General Scott;—two

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hundred and fifty-four votes against forty-two. The "popular vote," however, gave Pierce a very small majority. Rufus King was chosen to the Vice-presidency, and died when he had been little more than a month in office.

His name reminds us of the decease of others of the most conspicuous statesmen of the earlier periods of our history; so that a new generation seems all at once to have risen into political being and action. In 1849 died Albert Gallatin; in 1850, John C. Calhoun; and in 1852, Henry Clay and Daniel Webster. This obituary record will bear a mournful significance for many who have pondered the recent course of public affairs.

The results of the seventh census, which was taken in 1850, as finally exhibited, are these: the total white population amounted to 19,553,928; the free coloured population to 433,643; the slaves to 3,204,347. The population of the Free States (without including 222 slaves) was 13,434,798; to which might be added the greater part of 140,272, the free population of Districts and Territories. The free population of the Slave States was 6,412,503; showing a *decrease* of 778,216, since 1840; whilst the Free States had in the same period increased 3,779,933!—more than half the entire population of the Slave States. It is more than ominous, that the decennial *increase* of the slave population in those States very nearly equals the *decrease* of the free population, being 718,880! In the new apportionment of Representatives, the Free States gained one, making their number a hundred and forty-three; and the Slave States lost one, reducing their number to ninety. The Indians, who may number half a million, are not included in these sums. The rate of increase may be expected, during the current decennial period, to fall below that of the last period, on account of the return of many emigrants to Europe.

The additions to the Confederation during these seven years have not been many. In December, 1850, after having been governed as an independent State for about a year, California was admitted to the Union. By its constitution it was made a Free State. Utah and New Mexico were erected into Territories, on September the 9th, 1850; Washington, originally a part of Oregon, was formed into a separate Territory, on March the 20th, 1853, and Kansas and Nebraska were organized on the 30th of May, 1854, out of the Indian territory; thus re-opening the whole of that scarcely closed controversy respecting the treatment of the aborigines; and at the lowest *seeming* to violate the conditions of their removal to the west of the Mississippi.

But the commerce of the Union more distinctly and surprisingly indicates its progress during this last period of its existence. For the year ending with June, 1850, the imports were valued at more than a hundred and twenty-eight millions of dollars, and the exports of domestic produce at nearly a hundred and thirty-seven millions; whilst for the year ending with June, 1854, the imports were valued at nearly three hundred and one millions and a half of dollars, and the domestic exports at above two hundred and fifty-two millions! The comparison between the Free States and the Slave States further shows the greater progress of the former. In 1850 the imports into the Free

States amounted to about a hundred and fifty-six millions in value ; those into the Slave States, to about twenty-one millions ; whilst the exports of the former were no more than about fifty-six millions in value, and those of the latter about eighty millions. But in 1854 the Free States imported about two hundred and seventy-eight millions' worth of goods, and the Slave States only about twenty-six millions' worth ; whilst the exports of the Free States had risen to the amount of a hundred and forty millions of dollars' worth, and those of the Slave States (still as always including the exports of the Free States of the Upper Mississippi valley through Louisiana) to no more than about a hundred and thirteen millions !

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The same tale is told by the statement of the revenue and expenditure of the United States. In 1850 the aggregate of receipts was somewhat more than forty-three millions and a third of dollars ; in 1854 it exceeded seventy-three millions and a half. In the former year the expenditures, though less than the receipts, still were above forty-three millions ; but in 1854 they were above fifty-one millions, yet left above twenty millions of *surplus* ;—and this although the public debt had been reduced, in these same years, from nearly sixty-four millions and a quarter of dollars to something less than forty-five millions. Our space prevents us from exhibiting the financial condition of the States severally. Such prosperity, whilst it has rendered inexcusable the repudiation of part or all their debt by Arkansas, Florida, and Mississippi, and the delay of payment by Alabama, Maryland, Pennsylvania, and Virginia, has justified the pretensions of America to be regarded and treated as a first-rate power. Some of the manifestations of this consciousness of power are of a kind to suggest the old times, when as yet international law was not ; and to bring into such remarkable adjacency, as we have seen, things modern and things merely mediæval, or of earlier date still.

In this way we must regard the filibustering expeditions against Mexico, against which Presidents' proclamations were emitted in vain ; and those still more flagrant attempts upon Cuba, in which men of prominent public and official station have been concerned. Presidents' proclamations, and judicial investigations and trials too, were of no avail in this instance ; nothing but the vigour of the Spanish authorities then preserved Cuba for the Spanish crown. The *secret* Society of the " Lone Star " was no more than a vulgar display of the feeling which had animated Jefferson and even John Quincy Adams ; which more than one Administration acted upon in proposing to purchase the island, and afterwards in speaking of it as if *rightfully* part and parcel of the United States, because the government had offered to buy it, and which one in the position of Edward Everett could express thus :—" We have no foreign yoke to throw off ; but in the discharge of the duty devolved upon us by Providence, we have to carry the republican independence which our fathers achieved, with all the organized institutions of an enlightened community, institutions of religion, law, education, charity, art, and all the thousand graces of the highest culture, beyond the Missouri, beyond the Sierra Nevada !—perhaps in time around the circuit of the Antilles,—perhaps to the archipelagoes



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*of the Central Pacific!* The pioneers are on the way,—who can tell how far, and how fast they will travel?”

For this “Lone Star” Society contemplated (or contemplates) nothing short of the subjugation (they call it *annexation*) of the whole Western Hemisphere to their “stars and stripes.” And in proof of it, the Sandwich Islands have been spoken of as speedily to be annexed; more than once the proposal has emerged in Congress itself, to buy and annex Canada,—it has even been taken for granted as *to be done*, as an act of justice to the North, when the South receives Cuba!—and the purchase of Russian North America has been advanced still further towards realization. Whilst, in these very days, Colonel Kinney’s occupation of Greytown, and Colonel Walker’s more audacious and (for the time) more successful occupation of Nicaragua itself, prompt the inquiry—are these the “pioneers?”

More grave in their aspect towards these questions are the refusal of the government to join the treaty of France and England with Spain, to assure to the latter the possession of its ancient dependency; and the convention at Ostend of the members of the various European missions of the United States, which in spirit and meaning justified more than Lopez attempted.

This Ostend convention was, moreover, a sign of the growing belief that the Washington principle of non-interference in European affairs was no longer suitable to the Great Western Republic. The ovation granted to Kossuth, his reception as “the nation’s guest” at the seat of government and by both branches of the legislature; the appeals addressed to Austria, in behalf of Hungary; the congratulations to Turkey, when she sheltered the Magyar leaders; the proposal to address the government of Great Britain in behalf of the would-be rebels and actual convicts of the “Young Ireland” school, and the welcome given to certain of them, when they reached America as refugees from the hulks; the (alleged) offer to mediate between Russia and her antagonists in the war now ended;—these and many other such things show that this belief has gained a hold upon the American people, notwithstanding all that is said of maintaining the old principle.

On the other hand, the proceedings which led to the Clayton-Bulwer treaty, by which both America and Great Britain bound themselves to make no attempts to increase the influence or territory they then had in Central America; the dispute (still pending) with Great Britain concerning the meaning of this treaty; and the assertion of the “Monroe doctrine,”—which had scarcely been noticed when first promulgated, because it seemed mere *braggadocio* for the United States then to declare that the European powers should not be allowed to establish any new settlements or colonies in the western hemisphere,—in vindication of the American line of policy, as if it had all the weight of a moral axiom, instead of being no more than another version of the “Lone Star” *platform*; these, and the refusal to pay Sound dues to Denmark, (which question is also unsettled yet,) show that whilst there is a strong tendency to interfere in European politics, there is a still stronger determination to admit of no reciprocal interference, and to shake off even the responsibili-

ties already incurred by treaty-relations with the commercial system of Europe. A. D. 1849  
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Here may be mentioned in passing, as cognate facts to these just referred to,—the Fishery Treaty with Great Britain, by which much needless irritation for both countries was prevented; the treaty with Canada, concerning the reciprocal free admission of most of the articles of produce of each country by the other; the treaty concerning a ship canal through Nicaragua; the attempt to gain a footing in Hayti, by a treaty with one of its fratricidal states; the quarrel with Peru about the Lobos Islands, in which Daniel Webster appeared to disadvantage, and which was settled by the United States giving up their claims, that could not be substantiated, and ought never to have been made; the breaking through the exclusiveness of the government of Japan, and opening the trade of that rich and peculiar empire to the world;—and lastly, the embittered quarrels with Spain about the “Black Warrior,” aided as it was by that inverted “Monroe doctrine” about Cuba; and with Great Britain, upon the subject of her having invited recruits for her Foreign Legion from the United States, respecting which the rational world has heard more than enough for the present. Perhaps, too, the loudly expressed sympathy of a section of the press and the professional *politiques* for Russia, in opposition to France, England, and even Turkey,—which was so lauded in the Kosuth-excitement times,—may be regarded as deserving of this slight mention.

Amongst the domestic affairs, some of highest moment remain to be glanced at. The maintenance of “the American system” of Henry Clay, in its chief principles, is one; the example and experience of Great Britain in favour of Free-trade being set aside, on the allegation that, “stern, crafty, politic, and overbearing, she knows but one policy—the commercial empire of the world.” The progress of the Slavery question is not less momentous, marked as it is by the passing of the Fugitive Slave Law of 1850, the abolition of the Slave Trade in the District of Columbia, the repeated rejection of “the Wilmot Proviso,” and the unsettlement of “the Missouri Compromise” by the Nebraska and Kansas Bill; the meetings in the South and in the North for and against both the Union and *disunion*; the passionate demand on the part of the Slave States, that (although they have broken their side of the compact) the Fugitive Slave Law should be *actively* obeyed by the Free States; and the projected “nullification” of that law by some of these States; the efforts amongst the slave-holders to establish manufactures in the South, on the ground that slave-labour is cheaper than free-labour, as if it were safe or possible for *slave-labour* to be *skilled* labour; “UNCLE TOM’S CABIN;” the victory of the Free-soil party in the election of Speaker of the House, after such a protracted contest, and such a disorganization of the legislature, as had never occurred before; and the commencement of civil war in Kansas. The rapid spread of the “Know-nothing,” or national American party, and the energy of its proceedings, evinced by shooting down the Irish in the streets, in some cases; its rapid division into sections—some, or the “Know-somethings,” hostile to slavery; others less distinguishable by their political tenets, and known prin-

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cially by the candidates they support in the elections; and the attempts to get up combinations or fusions of the larger sections of this and of the older parties, which had also lost their coherence and consistency,—are to be noted. Of the “Maine Liquor Law,” of “Bloomerism,” and of so much else, characteristic of both the people and the times, we say nothing; but here end.

Americans can never be too deeply impressed with the fact, that whatever evils or defects are observable in their institutions, it is in their power to remedy or remove them whenever they will. They could easily draw from retirement their *best men*, and invest them with the offices and responsibilities which needy and unscrupulous partisans and adventurers too much engross. They could purge their whole system of that element of compromise, which is so conspicuous that, as Robert C. Winthrop not wrongly remarked,—“It was *log-rolling* which achieved our independence; it was *log-rolling* which established our Constitution. And the Union itself is nothing but systematic *log-rolling*, under a more stately name.” They could demonstrate that LAW is the natural and only guardian of liberty. They could reconcile the two great and wrongfully divided interests of Southern agriculture and Northern manufactures and commerce, by genuine Free-trade. They might look to the Christianity of the dark and fierce middle ages, and see how it signalized itself, and prepared the world for light and civilization, by breaking the yoke of the bondsman, and setting the enslaved free. They might learn how, in the Byzantine Empire, policy dictated the transmutation of personal into predial servitude, and teach the South *wisdom* from both examples. They might, too,—it is our last appeal—charge all their public men to remember, that the universal issue of commonwealths, hitherto, has been despotism; that Rome fell at Cæsar’s feet, after having counted nearly a hundred *lustres* of freedom; that the perfectest form of policy cannot endure, or enduring cannot bless, if its life and meaning have departed; and that (as Judge Story has said in his immortal work)—“Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them.”

THE END.

























